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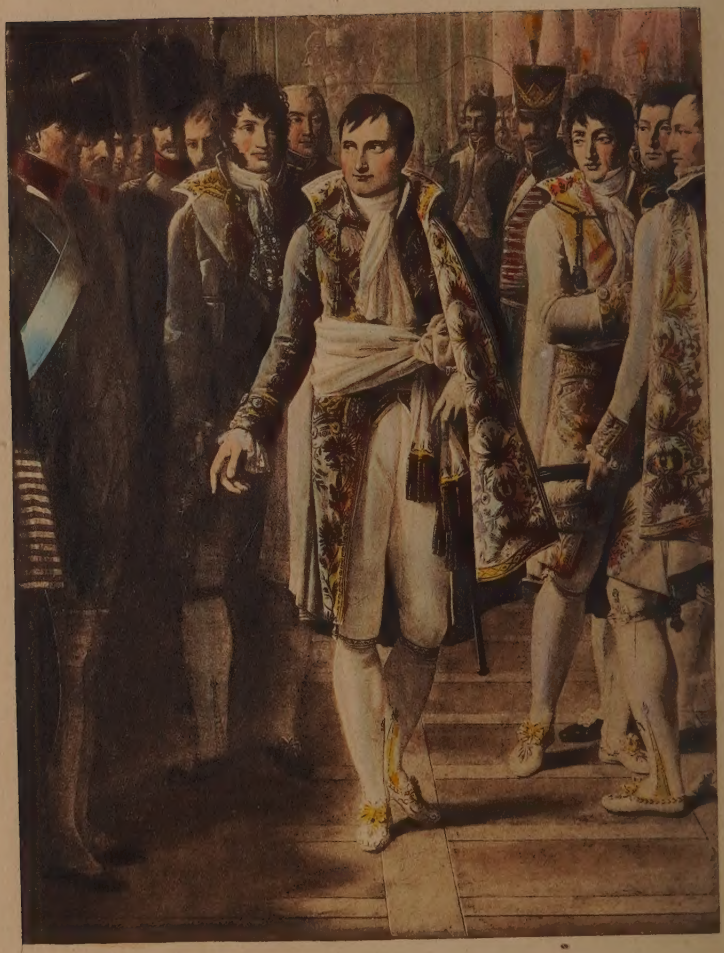

NAPOLEON AT VERSAILLES

(Napoléon reçoit au Louvre les Deputes de l'Armée)

Photogravure from an Original Painting

LIFE AND WRITINGS of THOMAS PAINE

CONTAINING A BIOGRAPHY BY THOMAS CLIO RICKMAN AND APPRECIATIONS BY LESLIE STEPHEN, LORD ERSKINE, PAUL DESJARDINS, ROBERT G. INGERSOLL, ELBERT HUBBARD AND MARILLA M. RICKER

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ESSAYS, LETTERS, AND ADDRESSES

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ESSAYS, LETTERS, AND ADDRESSES

TO THE PUBLIC ON MR. DEANE'S AFFAIR

From the *Pennsylvania Packet* of December 31, 1778, and January 2, 5, 7, and 9, 1779.

HOPING this to be my last on the subject of Mr. Deane's conduct and address, I shall therefore make a few remarks on what has already appeared in the papers, and furnish you with some interesting and explanatory facts; and whatever I may conceive necessary to say of myself will conclude the piece. As it is my design to make those that can scarcely read understand, I shall therefore avoid every literary ornament, and put it in language as plain as the alphabet.

I desire the public to understand that this is not a personal dispute between Mr. Deane and me, but is a matter of business in which they are more interested than they seemed at first to be apprised of. I rather wonder that no person was curious enough to ask in the papers how affairs

stood between Congress and Mr. Deane as to money matters. And likewise, what it was that Mr. Deane has so repeatedly applied to the Congress for without success.

Perhaps those two questions, properly asked, and justly answered, would have unraveled a great part of the mystery, and explained the reason why he threw out, at such a *particular time,* such a strange address. They might likewise have asked, whether there had been any former dispute between Mr. Deane and Arthur or William Lee, and what it was about. Mr. Deane's roundabout charges against the Lees, are accompanied with a kind of rancor, that differs exceedingly from public-spirited zeal. For my part, I have but a very slender opinion of those patriots, if they can be called such, who never appear till provoked to it by a personal quarrel, and then blaze away, the hero of their own tale, and in a whirlwind of their own raising; such men are very seldom what the populace mean by the word "stanch," and it is only by a continuance of service that any public can become a judge of a man's principles.

When I first took up this matter, I expected at least to be abused, and I have not been disappointed. It was the last and only refuge they

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had, and, thank God, I had nothing to dread from it. I might have escaped it if I would, either by being silent, or by joining in the tumult. A gentleman, a member of Congress, an associate, I believe, of Mr. Deane's, and one whom I would wish had not a hand in the piece signed PLAIN TRUTH, very politely asked me, a few days before COMMON SENSE to Mr. Deane came out, whether on that subject I was *pro* or *con?* I replied, I knew no *pro* or *con,* nor any other sides than right or wrong.

Mr. Deane had objected to my putting the signature of COMMON SENSE to my address to him, and the gentleman who came to my lodgings urged the same objections; their reasons for so doing may, I think, be easily guessed at. The signature has, I believe, an extensive reputation, and which, I trust, will never be forfeited while in my possession. As I do not choose to comply with the proposal that was made to me for changing it, therefore Mr. PLAIN TRUTH, as he calls himself, and his connections, may endeavor to take off from the credit of the signature, by a torrent of low-toned abuse, without wit, matter or sentiment.

Had Mr. Deane confined himself to his proper line of conduct, he would never have been

interrupted by me, or exposed himself to suspicious criticism. But departing from this, he has thrown himself on the ocean of the public, where nothing but the firmest integrity can preserve him from becoming a wreck. A smooth and flattering tale may do for a while, but unless it can be supported with facts, and maintained by the most incontestible proof, it will fall to the ground, and leave the inventor in the lurch.

On the first view of things, there is something in Mr. Deane's conduct which must appear mysterious to every disinterested man, if he will but give himself time to reflect. Mr. Deane has been arrived in America, and in this city, upwards of five months, and had he been possessed of any secrets which affected, or seemed to affect, the interest of America, or known any kind of treachery, misconduct, or neglect of duty in any of the other commissioners, or in any other person, he ought, as an honest man, to have disclosed it immediately on his arrival, either to the Committee for Foreign Affairs, of which I have the honor to be secretary, or to Congress. Mr. Deane has done neither, notwithstanding he has had two audiences with Congress in August last, and might at any time have laid his written information before them, or before the Committee,

through whom all his foreign concerns had passed, and in whose hands, or rather in mine, are lodged all his political correspondence, and those of other commissioners.

From an unwillingness to expose Mr. Deane and his adherents too much, I contented myself in my first piece with showing their inconsistency rather than their intentions, and gave them room to retract by concealing their discredit. It is necessary that I should now speak a plainer language.

The public have totally mistaken this matter, and when they come to understand it rightly, they will see it in a very different light to what they at first supposed it. They seemed to conceive, and great pains have been taken to make them believe, that Mr. Deane had repeatedly applied to Congress to obtain an audience, in order to lay before them some great and important discoveries, and that the Congress had refused to hear such information. It is, Gentlemen, no such thing. If Mr. Deane or any one else had told you so, they have imposed upon you.

If you attend to a part of Mr. Deane's Address to you, you will find there, even from his own account, what it was that he wanted an interview with Congress for, viz. *to get some how*

or other through his own perplexed affairs, and obtain an audience of leave and departure that he might embark for France, and which if he could have obtained, there is every reason to believe, he would have quitted America in silence, and that the public would never have been *favored* with his address, nor I plagued with the trouble of putting it to rights. The part which I allude to is this, *"and having placed my papers and yours in safety, I left Paris, in full confidence that I should not be detained in America,"* to which he adds this curious expression, " on the business I was sent for." To be *" detained "* at *home* is a new transposition of ideas, especially in a man who has been absent from it two years and a half, and serves to show that Mr. Deane was become so wonderfully foreignized that he had quite forgotten poor Connecticut.

As I shall have frequent occasions to make use of the name of Congress, I request you to suspend all kinds of opinions on any supposed obligations which I am said to lie under to that body, till you hear what I have to say in the conclusion of this address, for if Mr. Deane's accounts stand as clear with them as mine do, he might very easily have brought his papers from France. I have several times repeated, and I

again repeat it, that my whole design in taking this matter up, was and is, to prevent the public being imposed upon, and the event must and will convince them of it.

I now proceed to put the affair into such a straight line that you cannot misunderstand it.

Mr. Deane wrote his address to you some time in November, and kept it by him in order to publish or not as it might suit his purpose.*

* This is fully proved by the address itself which is dated *November,* but without any day of the month, and the same is likewise acknowledged by his blundering friend Mr. PLAIN TRUTH. His words are, "Mr. Deane, it is true, wrote his address" (dated November) "previous to his application to Congress, of the thirtieth of November." He certainly could not write it after, there being, unfortunately for him, but thirty days in that month; "but," continues Mr. PLAIN TRUTH, "he was determined notwithstanding some *forceable reasons,* which the *vigilant* part of the public are at no loss to *guess,* not to publish it if he could be assured of an *early* audience with Congress." Mr. Deane was in a confounded hurry, sure that he could not submit to be *detained in America* till the next day, for on that very next day, December first, *in consequence of his letter* the Congress, *"Resolved to spend two hours each day, beginning at six in the evening, till the state of their foreign affairs should be fully ascertained."* This naturally included all and every part of Mr. Deane's affairs, information and everything else, and it is impossible but he (connected as he is with some late and present members of Congress) should know immediately about it.

I should be glad to be informed what those *"forceable reasons"* are at which the vigilant part of the public *"guess"* and likewise how early Mr. Deane expected an audience, since the resolution of the *next day* appears to have been too late. I am suspicious that it was too soon, and that Mr. Deane and his connections were not prepared for such an *early* examination notwithstanding he had been here upwards of five months, and if the thing is to be *"guessed"* at at last, and that by the *vigilant* part of the public,

On the thirtieth day of the same month he applied by letter to Congress, and what do you think it was for? To give them any important information? No. To "tell them what he has wrote to you?" No, it was to acquaint them *that he had missed agreeable opportunities of returning to France;* dismal misfortune indeed! And that the season (of the year) is now becoming as *pressing* as the *business* which calls him *back,* and therefore he *earnestly entreated the attention of Congress,* to what? To his great information? No, to his important discoveries? No, but to his own *situation and requests.* These are, I believe, his own words.

Now it only remains to know whether Mr. Deane's official affairs were in a fit position for

I think I have as great a right to *guess* as most men, and Mr. PLAIN TRUTH, if he pleases, may *guess* what I mean; but lest he should mistake I will tell him my guess, it is, that the whole affair is a juggle to amuse the people with, in order to prevent the state of foreign affairs being inquired into, and Mr. Deane's accounts, and those he is connected with in America settled as they ought to be; and were I to go on *guessing,* I should likewise *guess* that this is the reason why his accounts are left behind, though I know many people inclined to guess that he has them with him but has forgot them; for my part I don't choose at *present* to go so far. If any one can give a better guess than I have done I shall give mine up, but as the gentlemen choose to submit it to a guess, I choose therefore to take them upon their own terms, and put in for the honor of being right. It was, I think, an *injudicious* word for them to use, especially at Christmas time.

him to be permitted to quit America or not; and I trust, that when I tell you, I have been secretary for foreign affairs almost two years, you will allow that I must be some judge of the matter.

You have already heard what Mr. Deane's application to Congress was for. And as one of the public, under the well known signature of COMMON SENSE, I humbly conceive, that the Congress have done that which as a faithful body of representatives they ought to do, that is, they ordered an inquiry into the state of foreign affairs and accounts which Mr. Deane had been intrusted with, before they could, with justice to you, grant the request he asked. And this was the more necessary to be done, because Mr. Deane says he has left his papers and accounts behind him. Did ever any steward, when called upon to surrender up his stewardship, make such a weak and frivolous excuse? Mr. Deane saw himself not only *recalled* but *superseded* in his office by another person, and he could have no right to think he should *return,* nor any *pretense* to come away without the necessary credentials.

His friend and associate, and perhaps partner too, Mr. PLAIN TRUTH, says, that I have endeavored in my address, to " throw out a sugges-

tion that Mr. Deane is considered by Congress as a defaulter of public money." The gentlemen seem to wince before they are touched. I have nowhere said so, but this I will say, that his accounts are not satisfactory. Mr. PLAIN TRUTH endeavors to palliate what he cannot contradict, and with a seeming triumph assures the public "that Mr. Deane not long after his arrival laid before Congress a *general* statement of the receipts and expenditures of the monies which passed thro' his hands"; to which Mr. PLAIN TRUTH subjoins the following extraordinary apology:

"It is true the account was not accompanied with all the vouchers for the particular expenditures." And why not I ask? for without those it was no account at all; it was what the sailors call a boot account, so much money gone and the Lord knows for what. Mr. Deane had secretaries and clerks, and ought to have known better than to produce such an account to Congress, especially as his colleague Arthur Lee had declared in an office letter, which is in my possession, that he had no concern in Mr. Deane's contracts.

Neither does the excuse, which his whirligig friend Mr. PLAIN TRUTH makes for him, apply

to his case; this random shot gentleman, in order to bring him as easily off as possible, says, "that any person in the least conversant with business, knows the time which is requisite for calling in manufacturers and tradesmen's bills, and prepare accounts and vouchers for a final settlement"; and this he mentions because Mr. Deane received his order of recall the fourth of March, and left Paris the thirty-first: here is, however, four weeks within a day. I shall make three remarks upon this curious excuse.

First, it is contradictory. Mr. Deane could not obtain the total or general expenditure without having the particulars, therefore he must be in the possession of the particulars. He surely did not pass away money without taking receipts, and what was due upon credit, he could only know from the bills delivered in.

Secondly, Mr. Deane's contracts did not lay in the retail way, and therefore were easily collected.

Thirdly, The accounts which it was Mr. Deane's particular duty to settle, were those, which he contracted in the time of being only a commercial agent in 1776, before the arrival of Dr. Franklin and Arthur Lee, which separate agency of his expired upwards of fifteen months

before he left France—and surely that was time enough—and in which period of his agency, there happened an unexplained contract of about two hundred thousand pounds sterling. But more of this when I come to remark on the ridiculous puffs with which Mr. PLAIN TRUTH has set off Mr. Deane's pretended services in France.

Mr. Deane has not only left the public papers and accounts behind him, but he has given no information to Congress, where or in whose hands they are; he says in his address to you, that he has left them in a safe place, and this is all which is known of the matter. Does this look like business? Has it an open and candid or a mysterious and suspicious appearance? Or would it have been right in Congress to have granted Mr. Deane an audience of leave and departure in this embarrassed state of his affairs? And because they have not, his ready written November address has been thrown out to abuse them and amuse you by directing you to another object; and myself, for endeavoring to unriddle confusion, have been loaded with reproach by his partisans and partners, and represented as a writer, who like an unprincipled lawyer had let himself out for pay. Charges which the propagators of them know to be false, because some, who have

encouraged the report, are members of Congress themselves, and know my situation to be directly the reverse.

But this I shall explain in the conclusion; and I give the gentlemen notice of it, that if they can make out anything against me, or prove that I ever received a single farthing, public or private, for anything I ever wrote, they may convict me publicly, and if they do not, I hope they will be honest enough to take shame to themselves, for the falsehood they have supported. And I likewise request that they would inform the public what my salary as secretary for foreign affairs is, otherwise I shall be obliged to do it myself. I shall not spare them and I beg they would not spare me. But to return—

There is something in this concealment of papers that looks like an embezzlement. Mr. Deane came so privately from France, that he even concealed his departure from his colleague Arthur Lee, of which he complains by a letter in my office, and consequently the papers are not in his hands; and had he left them with Dr. Franklin he would undoubtedly have taken the Doctor's receipt for them, and left nobody to *"guess,"* at what Mr. Deane meant by a *safe place.* A man may leave his own private affairs

in the hands of a friend, but the papers of a nation are of another nature, and ought never to be trusted with any person whatever out of the direct line of business. This I conceive to be another reason which justifies Congress in not granting Mr. Deane an audience of leave and departure till they are assured where those papers are.

Mr. Deane might have been taken at sea, he might have died or been cast away on his passage back from France, or he might have been settled there, as Madame D'Eon did in England, and quarreled afterwards as she did with the power that employed him. Many accidents might have happened by which those papers and accounts might have been totally lost, the secrets got into the hands of the enemy, and the possibility of settling the expenditure of public money forever prevented. No apology can be made for Mr. Deane, as to the danger of the seas, or their being taken by the enemy, in his attempt to bring them over himself, because it ought always to be remembered that he came in a fleet of twelve sail of the line.

I shall now quit this part of the subject to take notice of a paragraph in Mr. PLAIN TRUTH.

In my piece to Mr. Deane I said, that his ad-

dress was dated in November, without any day of the month, that on the last day of that month he applied to Congress, that on the first of December the Congress resolved to investigate the state of their foreign affairs, of which Mr. Deane had notice, and that on the fourth he informed them of his receiving that notification and expressed his thanks, yet that on the fifth he published his extraordinary address.

Mr. PLAIN TRUTH, in commenting upon this arrangement of facts has helped me to a new discovery. He says, that Mr. Deane's thanks of the fourth of December were only expressed to the president, Henry Laurens, Esq., for personally informing him of the resolution and other attention to his affairs, and *not,* as I had said, *to Congress for the resolution itself.* I give him credit for this, and believe it to be true; for my opinion of the matter is, that Mr. Deane's views were to get off without any inquiry, and that the resolution referred to was his great disappointment. By all accounts which have been given both by Mr. Deane's friends and myself, we all agree in this, that Mr. Deane knew of the resolution of Congress before he published his address, and situated as he is he could not help knowing it two or three days before his address

came out. Why then did he publish it, since the very thing which he ought to have asked for, viz. an inquiry into his affairs, was ordered to be immediately gone into?

I wish in this place to step for a moment from the floor of office, and press it on every state, to inquire what mercantile connections any of their *late* or present delegates have had or now have with Mr. Deane, and that a precedent might not be wanting, it is important that this State, *Pennsylvania, should begin.*

The uncommon fury which has been spread to support Mr. Deane cannot be altogether for his sake. Those who were the original propagators of it, are not remarkable for gratitude. If they excel in anything it is in the contrary principle and a selfish attachment to their own interest. It would suit their plan exceedingly well to have Mr. Deane appointed ambassador to Holland, because so situated, he would make a very convenient partner in trade, or a useful factor.

In order to rest Mr. Deane on the shoulders of the public, he has been set off with the most pompous puffs—the Savior of his Country—the Patriot of America—the True Friend of the Public—the Great Supporter of the cause in

Europe—and a thousand other full-blown bubbles, equally ridiculous and equally untrue. Never were the public more wretchedly imposed upon. An attempt was made to call a town meeting to return him thanks and to march in a body to Congress to demand justice for Mr. Deane. And this brings me to a part in Mr. PLAIN TRUTH'S address to me, in which he speaks of Mr. Deane's services in France, and defies me to disprove them.

If any late or present member of Congress has been concerned in writing that piece, I think it necessary to tell him, that he either knows very little of the state of foreign affairs, or ought to blush in thus attempting to rob a friendly nation, France, of her honors, to bestow them on a man who so little deserves them.

Mr. Deane was sent to France in the spring, 1776, as a commercial agent, under the authority of the committee which is now styled the Committee for Foreign Affairs. He had no commission of any kind from Congress; and his instructions were to assume no other character but that of a merchant; yet in this line of action Mr. PLAIN TRUTH has the ignorance to dub him a "public minister" and likewise says,

That before the first of December, after his arrival he

had formed and cultivated the esteem of a valuable political and commercial connection, not only in France but in other parts of Europe, laid the foundation of a public loan, procured thirty thousand stand of arms, thirty thousand suits of clothes, more than two hundred and fifty pieces of brass cannon, and a great amount of tents and military stores, provided vessels to transport them, and in spite of various and almost inconceivable obstructions great part of these articles were shipped and arrived in America before the operations of the campaign in 1777. To which Mr. PLAIN TRUTH adds, That he has had the means of being acquainted with all these circumstances, avows them to be facts, and *defies* COMMON SENSE or any other person to disprove them.

Poor Mr. PLAIN TRUTH, and his avower Mr. Clarkson, have most unfortunately for them challenged the wrong person, and fallen into the right hands when they fell into mine, for without stirring a step from the room I am writing in, or asking a single question of any one, I have it in my power, not only to contradict but disprove it.

It is, I confess, a nice point to touch upon, but the necessity of undeceiving the public with respect to Mr. Deane, and the right they have to know the early friendship of the French nation toward them at the time of their greatest wants, will justify my doing it. I feel likewise the less difficulty in it, because the whole affair respecting those supplies has been in the hands of the

enemy at least twelve months, and consequently the necessity for concealing it is superseded: Besides which, the two nations, viz. France and England, being now come to an open rupture makes the secret unnecessary.

It was immediately on the discovery of this affair by the enemy fifteen months ago, that the British Ministry began to change their ground and planned what they called their Conciliatory Bills. They got possession of this secret by stealing the dispatches of October, 1777, which should have come over by Captain Folger, and this likewise explains the controversy which the British commissioners carried on with Congress, in attempting to prove that England had planned what they called her Conciliatory Bills, before France moved toward a treaty; for even admitting that assertion to be true, the case is, that they planned those bills in consequence of the knowledge they had stolen.*

* When Capt. Folger arrived at York Town [Pa.] he delivered a packet which contained nothing but blank paper, that had been put under the cover of the dispatches which were taken out. This fraud was acted by the person to whom they were first intrusted to be brought to America, and who afterward absconded, having given by way of deception the blank packet to Capt. Folger. The Congress were by this means left without any information of European affairs. It happened that a private letter from Dr. Franklin to myself, in which he wrote to me respecting my undertaking the history of the present Revolution and engaged to furnish me with all his materials toward the completion of that work,

The supplies here alluded to, are those which were sent from France in the *Amphitrite, Seine* and *Mercury* about two years ago. They had at first the appearance of a present, but whether so, or on credit, the service was nevertheless a great and friendly one, and though only part of them arrived the kindness is the same. A considerable time afterwards the same supplies appeared under the head of a charge amounting to about two hundred thousand pounds sterling, and it is the unexplained contract I alluded to when I spoke of the pompous puffs made use of to support Mr. Deane.

On the appearance of this charge the Congress were exceedingly embarrassed as to what

escaped the pilfering by not being inclosed in the packet with the dispatches. I received this letter at Lancaster through the favor of the president, Henry Laurens, Esq., and as it was the only letter which contained any authentic intelligence of the general state of our affairs in France, I transmitted it again to him to be communicated to Congress. This likewise was the only intelligence which was received from France from May, 1777, to May 2, 1778, when the treaty arrived; wherefore, laying aside the point controverted by the British commissioners as to which moved first, France or England, it is evident that the resolutions of Congress of April 22, 1778, for totally rejecting the British bills, were grounded entirely on the determination of America to support her cause—a circumstance which gives the highest honor to the resolutions alluded to, and at the same time gives such a character of her fortitude as heightens her value, when considered as an ally, which though it had at that time taken place, was, to her, perfectly unknown.

line of conduct to pursue. To be insensible of a favor, which has before now been practised between nations, would have implied a want of just conceptions; and to have refused it would have been a species of proud rusticity. To have asked the question was both difficult and awkward; to take no notice of it would have been insensibility itself; and to have seemed backward in payment, if they were to be paid for, would have impeached both the justice and the credit of America.

In this state of difficulties such inquiries were made as were judged necessary, in order that Congress might know how to proceed. Still nothing satisfactory could be obtained. The answer which Mr. Deane signed so lately as February sixteenth last past (and who ought to know most of the matter, because the *shipping* the supplies was while he acted alone) is as ambiguous as the rest of his conduct. I will venture to give it, as there is no political secret in it and the matter wants explanation.

Hear that Mr. B[eaumarchais] has sent over a person to demand a large sum of you on account of arms, ammunition, etc.,—think it will be best for you to leave that matter to be settled here (France), as there is a mixture in it of public and private concern which you cannot so well develop.

Why did not Mr. Deane complete the con-

tract so as it might be developed, or at least state to Congress any difficulties that had arisen? When Mr. Deane had his two audiences with Congress in August last, he objected, or his friends for him, against his answering the questions that might be asked him, and the ground upon which the objection was made, was, because *a man could not legally be compelled to answer questions that might tend to criminate himself.*— Yet this is the same Mr. Deane whose address you saw in the *Pennsylvania Packet* of December fifth signed SILAS DEANE.

Having thus shown the loose manner of Mr. Deane's doing business in France, which is rendered the more intricate by his leaving his papers behind, or his not producing them, I come now to inquire into what degree of merit or credit Mr. Deane is entitled to as to the procuring these supplies, either as a present or a purchase.

Mr. PLAIN TRUTH has given him the whole. Mr. PLAIN TRUTH therefore knows nothing of the matter, or something worse. If Mr. Deane or any other gentleman will procure an order from Congress to inspect an account in my office, or any of Mr. Deane's friends in Congress will take the trouble of coming themselves, I will give him or them my attendance and show them in a hand-

writing which Mr. Deane is well acquainted with, that the supplies, he so pompously plumes himself upon, were promised and engaged, and that as a present, before he ever *arrived* in France, and the part that fell to Mr. Deane was only to see it done, and how he has performed that service, the public are now acquainted with. The last paragraph in the account is, "*Upon Mr. Deane's arrival in France the business went into his hands and the aids were at length embarked in the Amphitrite, Mercury and Seine.*"

What will Mr. Deane or his aide de camp say to this, or what excuse will they make now? If they have met with any cutting truths from me, they must thank themselves for it. My address to Mr. Deane was not only moderate but civil, and he and his adherents had much better have submitted to it quietly, than provoked more material matter to appear against them. I had at that time all the facts in my hands which I have related since, or shall yet relate in my reply. The only thing I aimed at in the address, was, to give out just as much as might prevent the public from being so grossly imposed upon by them, and yet save Mr. Deane and his adherents from appearing too wretched and despicable. My fault was a misplaced tenderness, which they

must now be fully sensible of, and the misfortune to them, is, that I have not yet done.

Had Mr. PLAIN TRUTH only informed the public that Mr. Deane had been industrious in promoting and forwarding the sending of supplies, his assertion would have passed uncontradicted by me, because I must naturally suppose that Mr. Deane would do no otherwise; but to give him the whole and sole honor of *procuring* them, and that, without yielding any part of the honor to the public spirit and good disposition of those who furnished them, and who likewise must in every shape have put up with the total loss of them had America been overpowered by her enemies, is, in my opinion, placing the reputation and affection of our allies not only in a disadvantageous, but in an unjust point of view, and concealing from the public what they ought to know.

Mr. PLAIN TRUTH declares that he knows all the circumstances, why then did he not place them in a proper line, and give the public a clear information how they arose? The proposal for sending over those supplies, appears to have been originally made by some public spirited gentleman in France, before ever Mr. Deane arrived there, or was known or heard of in that country,

and to have been communicated (personally by Mr. Beaumarchais, the gentleman mentioned in the letter signed J. L. which letter is given at length by Mr. PLAIN TRUTH) to Mr. Arthur Lee while resident in London about three years ago.

From Mr. B's manner of expression, Mr. Lee understood the supplies to be a present, and has signified it in that light. It is very easy to see that if America had miscarried, they *must* have been a present, which probably adds explanation to the matter. But Mr. Deane is spoken of by Mr. PLAIN TRUTH, as having an importance of his *own*, and procuring those supplies through that importance; whereas he could only rise and fall with the country that empowered him to act, and be *in* or *out* of credit, as to money matters, from the same cause and in the same proportion; and everybody must suppose, that there were greater and more original wheels at work than he was capable of setting in motion. Exclusive of the matter being begun before Mr. Deane's arrival, Mr. PLAIN TRUTH has given him the whole merit of every part of the transaction.

America and France are wholly left out of the question, the former as to her growing importance and credit, from which all Mr. Deane's consequence was derived and the latter, as to her

generosity in furnishing those supplies, at a time, when the risk of losing them appears to have been as great as our want of them.

I have always understood thus much of the matter, that if we did not succeed no payment would be required, and I think myself fully entitled to believe, and to publish my belief, that whether Mr. Deane had arrived in France or not, or any other gentleman in his stead, those same supplies would have found their way to America. But as the nature of the contract has not been explained by any of Mr. Deane's letters and is left in obscurity by the account he signed the sixteenth of February last, which I have already quoted, therefore the full explanation must rest upon other authority.

I have been the more explicit on this subject, not so much on Mr. Deane's account, as from a principle of public justice. It shows, in the first instance, that the greatness of the American cause drew, at its first beginning, the attention of Europe, and that the justness of it was such as appeared to merit support; and in the second instance, that those who are now her allies, prefaced that alliance by an early and generous friendship; yet, that we might not attribute too much to human or auxiliary aid, so unfortunate were

those supplies, that only one ship out of the three arrived. The *Mercury* and *Seine* fell into the hands of the enemy.

Mr. Deane, in his address, speaks of himself as "*sacrificed for the aggrandizement of others*" and promises to inform the public of "*what he has done and what he has suffered.*" What Mr. Deane means by being *sacrificed* the Lord knows, and what he has *suffered* is equally as mysterious. It was his good fortune to be situated in an elegant country and at a public charge, while we were driven about from pillar to post. He appears to know but little of the hardships and losses which his countrymen underwent in the period of his fortunate absence. It fell not to his lot to turn out to a winter's campaign, and sleep without tent or blanket. He returned to America when the danger was over, and has since that time suffered no personal hardship. What then are Mr. Deane's *sufferings* and what the sacrifices he complains of? Has he lost money in the public service? I believe not. Has he got any? That I cannot tell. I can assure him that I have not, and he, if he pleases, may make the same declaration.

Surely the Congress might recall Mr. Deane if they thought proper, without an insinuated

charge of injustice for so doing. The authority of America must be little indeed when she cannot change a commissioner without being insulted by him. And I conceive Mr. Deane as speaking in the most disrespectful language of the Authority of America when he says in his address, that in December 1776 he was "honored with one colleague, and *saddled* with another." Was Mr. Deane to dictate who should be commissioner, and who should not? It was time, however, to saddle him, as he calls it, with somebody, as I shall show before I conclude.

When we have elected our representatives, either in Congress or in the Assembly, it is for our own good that we support them in the execution of that authority they derive from us. If Congress is to be abused by everyone whom they may appoint or remove, there is an end to all useful delegation of power, and the public accounts in the hands of individuals will never be settled. There has, I believe, been too much of this work practised already, and it is time that the public should now make those matters a point of consideration. But who will begin the disagreeable talk?

I look on the independence of America to be as firmly established as that of any country which

is at war. Length of time is no guarantee when arms are to decide the fate of a nation. Hitherto our whole anxiety has been absorbed in the means for supporting our independence, and we have paid but little attention to the expenditure of money; yet we see it daily depreciating, and how should it be otherwise when so few public accounts are settled, and new emissions continually going on?—I will venture to mention one circumstance which I hope will be sufficient to awaken the attention of the public to this subject. In October, 1777, some books of the Commercial Committee, in which, among other things, were kept the accounts of Mr. Thomas Morris, appointed a commercial agent in France, were by Mr. Robert Morris's request taken into his possession to be settled, he having obtained from the Council of this State six months' leave of absence from Congress to settle his affairs.

In February following those books were called for by Congress, but not being completed were not delivered. In September, 1778, Mr. Morris returned them to Congress, in, or nearly in, the same unsettled state he took them, which, with the death of Mr. Thomas Morris, may probably involve those accounts in further embarrassment. The amount of expenditure on those

books is considerably above two millions of dollars.*

I now quit this subject to take notice of a paragraph in Mr. PLAIN TRUTH, relative to myself. It never fell to my lot to have to do with a more illiberal set of men than those of Mr. Deane's advocates who were concerned in writing that piece. They have neither wit, manners nor honesty; an instance of which I shall now produce. In speaking of Mr. Deane's contracts with individuals in France I said in my address "We are all fully sensible, that the gentlemen who have come from France since the arrival of Dr. Franklin and Mr. Lee in that country are of a

*There is an article in the Constitution of this State, which, were it at this time introduced as a Continental regulation, might be of infinite service; I mean a Council of *Censors* to inspect into the expenditure of public money and call defaulters to an account. It is, in my opinion, one of the best things in the Constitution, and that which the people ought never to give up, and whenever they do they will deserve to be cheated. It has not the most favorable look that those who are hoping to succeed to the government of this State, by a change in the Constitution, are so anxious to get that article abolished. Let expenses be ever so great, only let them be fair and necessary, and no good citizen will grumble.

Perhaps it may be said, Why do not the Congress do those things? To which I might, by another question reply, Why don't you support them when they attempt it? It is not quite so easy a matter to accomplish that point in Congress as perhaps many conceive; men will always find friends and connections among the body that appoints them, which will render all such inquiries difficult.

different rank from *the generality of those* with whom Mr. Deane contracted when alone." These are the exact words I used in my address.

Mr. PLAIN TRUTH has misquoted the above paragraph into his piece, and that in a manner, which shows him to be a man of little reading and less principle. The method in which he has quoted it is as follows: "All are fully sensible that the gentlemen who came from France since the arrival of Dr. Franklin and Mr. Lee in that country, are of a different rank from those with whom Mr. Deane contracted when acting separately." Thus by leaving out the words *"the generality of,"* Mr. PLAIN TRUTH has altered the sense of my expression, so as to suit a most malicious purpose in his own, which could be no other, than that of embroiling me with the French gentlemen that have remained; whereas it is evident, that my mode of expression was intended to do justice to such characters as Fleury and Touzard, by making a distinction they are clearly entitled to.

Mr. PLAIN TRUTH not content with unjustly subjecting me to the misconceptions of those gentlemen, with whom even explanation was difficult on account of the language, but in addition to his injustice, endeavored to provoke them to it by

calling on them, and reminding them that they were the *"Guardians of their own honor."* And I have reason to believe, that either Mr. PLAIN TRUTH or some of the party did not even stop here, but went so far as personally to excite them on. Mr. Fleury came to my lodgings and complained that I had done him great injustice, but that he was sure I did not intend it, because he was certain that I knew him better. He confessed to me that he was pointed at and told that I meant him, and he withal desired, that as I knew his services and character, that I would put the matter right in the next paper. I endeavored to explain to him that the mistake was not mine, and we parted.

I do not remember that in the course of my reading I ever met with a more illiberal and malicious mis-quotation, and the more so when all the circumstances are taken with it. Yet this same Mr. PLAIN TRUTH, whom nobody knows, has the impertinence to give himself out to be a man of *"education"* and to inform the public that "he is not a writer from *inclination*, much less by *profession*," to which he might safely have added, *still less by capacity, and least of all by principle.* As Mr. Clarkson has undertaken to avow the piece signed PLAIN TRUTH, I shall therefore con-

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sider him as legally accountable for the apparent malicious intention of this mis-quotation, and he may get whom he pleases to speak or write a defense of him.

I conceive that the *general* distinction I referred to between those with whom Mr. Deane contracted when alone, and those who have come from France since the arrival of Dr. Franklin and Mr. Lee in that country, is sufficiently warranted. That gallant and amiable officer and volunteer the Marquis de la Fayette, and some others whom Mr. PLAIN TRUTH mentions, did not come from France till after the arrival of the additional commissioners, and proves my assertion to be true.

My remark is confined to the many and unnecessary ones with which Mr. Deane burdened and distracted the army. If he acquired any part of his popularity in France by this means he made the continent pay smartly for it. Many thousand pounds it cost America, and that in money tôtally sunk, on account of Mr. Deane's injudicious contracts, and what renders it the more unpardonable is, that by the instructions he took with him, he was *restricted* from making them, and consequently by having no authority had an easy answer to give to solicitations. It

was Dr. Franklin's answer as soon as he arrived and might have been Mr. Deane's. Gentlemen of science or literature or conversant with the polite or useful arts, will, I presume, always find a welcome reception in America, at least with persons of a liberal cast, and with the bulk of the people.

In speaking of Mr. Deane's contracts with foreign officers, I concealed out of pity to him a circumstance that must have sufficiently shown the necessity of recalling him, and, either his great want of judgment, or the danger of trusting him with discretionary power. It is no less than that of his throwing out a proposal, in one of his last foreign letters, for contracting with a German prince to command the American Army. For my own part I was no ways surprised when I read it, though I presume almost everybody else will be so when they hear it, and I think when he got to this length, it was time to *saddle* him.

Mr. Deane was directed by the committee which employed him to engage four able engineers in France, and beyond this he had neither authority nor commission. But disregarding his instructions (a fault criminal in a negotiator) he proceeded through the several degrees of

subalterns, to captains, majors, lieutenant-colonels, colonels, brigadier-generals and at last to major-generals; he fixed their rank, regulated their command, and on some, I believe, he bestowed a pension. At this stage, I set him down for a commander-in-chief, and his next letter proved me prophetic. Mr. PLAIN TRUTH, in the course of his numerous encomiums on Mr. Deane, says, that—

> The letter of the Count de Vergennes, written by order of his Most Christian Majesty to Congress, speaking of Mr. Deane in the most honorable manner, and the letter from that Minister in his own character, written not in the language of a courtier, but in that of a person who felt what he expressed, would be sufficient to counterbalance, not only the opinions of the writer of the address to Mr. Deane, but even of characters of more influence, who may vainly endeavor to circulate notions of his insignificancy and unfitness for a public minister.

The supreme authority of one country, however different may be its mode, will ever pay a just regard to that of another, more especially when in alliance. But those letters can extend no further than to such parts of Mr. Deane's conduct as came under the immediate notice of the Court as a public minister or a political agent; and cannot be supposed to interfere with such other parts as might be disapproved in him here

as a contractor or a commercial agent, and can in no place be applied as an extenuation of any imprudence of his either there or since his return; besides which, letters of this kind, are as much intended to compliment the power that employs, as the person employed; and upon the whole, I fear Mr. Deane has presumed too much upon the polite friendship of that nation, and engrossed to himself, a regard, that was partly intended to express, through him, an affection to the continent.

Mr. Deane should likewise recollect that the early appearance of any gentleman from America, was a circumstance, so agreeable to the nation he had the honor of appearing at, that he must have managed unwisely indeed to have avoided popularity. For as the poet says,

Fame then was cheap, and the first comers sped.

The last line of the couplet is not applicable.

Which they have since preserved by being dead.

From the pathetic manner in which Mr. Deane speaks of his *"sufferings"* and the little concern he seems to have of ours, it may not be improper to inform him, that there is kept in this city a *"Book of Sufferings,"* into which, by the assistance of some of his connections, he may

probably get them registered. I have not interest enough myself to afford him any service in this particular, though I am a friend to all religions, and no personal enemy to those who may, in this place, suppose themselves alluded to.

I can likewise explain to Mr. Deane, the reason of one of his sufferings which I know he has complained of. After the Declaration of Independence was passed, Mr. Deane thought it a great hardship that he was not authorized to announce it in form to the Court of France, and this circumstance has been mentioned as a seeming inattention in Congress. The reason of it was this, and I mention it from my own knowledge.

Mr. Deane was at that time only a commercial agent, without any commission from Congress, and consequently could not appear at Court with the rank suitable to the formality of such an occasion. A new commission was therefore necessary to be issued by Congress, and that honor was purposely reserved for Dr. Franklin, whose long services in the world, and established reputation in Europe, rendered him the fittest person in America to execute such a great and original design; and it was likewise paying a just attention to the honor of France by send-

ing so able and extraordinary a character to announce the Declaration.

Mr. PLAIN TRUTH, who sticks at nothing to carry Mr. Deane through everything, thick or thin, says:

> It may not be improper to remark that when he (Mr. Deane) arrived in France, the opinion of people there, and in the different parts of Europe, not only with respect to the merits, but the probable issue of the contest, had by no means acquired that consistency which they had at the time of Dr. Franklin's and Mr. Arthur Lee's arrival in that kingdom.

Mr. PLAIN TRUTH is not a bad historian. For it was the fate of Dr. Franklin and Mr. Lee to arrive in France at the very worst of times. Their first appearance there was followed by a long series of ill fortune on our side. Dr. Franklin went from America in October, 1776, at which time our affairs were taking a wrong turn. The loss on Long Island, and the evacuation of New York happened before he went, and all the succeeding retreats and misfortunes through the course of that year, till the scale was again turned by taking the Hessians at Trenton on the twenty-sixth day of December, followed day by day after him. And I have been informed by a gentleman from France, that the philosophical ease and cheerful fortitude, with which Dr. Franklin

heard of or announced those tidings, contributed greatly toward lessening the real weight of them on the minds of the Europeans.

Mr. Deane speaking of himself in his address says, "*While it* was safe to be silent my lips were closed. Necessity hath opened them and necessity must excuse this effort to serve, by informing you." After which he goes on with his address. In this paragraph there is an insinuation thrown out by Mr. Deane that some treason was on foot, which he had happily discovered, and which his duty to his country compelled him to reveal. The public had a right to be alarmed, and the alarm was carefully kept by those who at first contrived it. Now, if after this, Mr. Deane has nothing to inform them of, he must sink into nothing. When a public man stakes his reputation in this manner, he likewise stakes all his future credit on the performance of his obligation.

I am not writing to defend Mr. Arthur or Mr. William Lee. I leave their conduct to defend itself; and I would with as much freedom make an attack on either of these gentlemen, if there was a public necessity for it, as on Mr. Deane. In my address I mentioned Colonel R. H. Lee with some testimony of honorable respect, because I am personally acquainted with

that gentleman's integrity and abilities as a public man, and in the circle of my acquaintance I know but few that have equaled, and none that have exceeded him, particularly in his ardor to bring foreign affairs, and more especially the present happy alliance, to an issue.

I heard it mentioned of this gentleman, that he was among those, whose impatience for victory led them into some kind of discontent at the operations of last winter. The event has, I think, fully proved those gentlemen wrong, and must convince them of it; but I can see no reason why a misgrounded opinion, produced by an overheated anxiety for success, should be mixed up with other matters it has no concern with. A man's political abilities may be exceedingly good, though at the same time he may differ, and even be wrong, in his notions of some military particulars.

Mr. Deane says that Mr. Arthur Lee was dragged into a treaty with the utmost reluctance, a charge which if he cannot support, he must expect to answer for. I am acquainted that Mr. Lee had some objection against the constructions of a particular article [12th], which, I think, shows his judgment, and whenever they can be known will do him honor; but his general

opinion of that valuable transaction I shall give in his own words from a letter in my hands.

> France has done us substantial benefits, Great Britain substantial injuries. France offers to guarantee our sovereignty, and universal freedom of commerce. Great Britain *condescends* to *accept* our *submission* and to *monopolize* our commerce. France demands of us to be independent, Great Britain, tributary. I do not conceive how there can be a mind so debased, or an understanding so perverted, as to balance between them.
>
> The journeys I have made North and South in the public service, have given me opportunities of knowing the general disposition of Europe on our question. There never was one in which the harmony of opinion was so universal. From the prince to the peasant there is but one voice, one wish, the liberty of America and the humiliation of Great Britain.

If Mr. Deane was industrious to spread reports to the injury of these gentlemen in Europe, as he has been in America, no wonder that their real characters have been misunderstood. The peculiar talent which Mr. Deane possesses of attacking persons behind their backs, has so near a resemblance to the author of "Plain Truth," who after promising his name to the public has declined to give it, and some other proceedings I am not unacquainted with, *particularly an attempt to prevent my publications,* that it looks as if one spirit of private malevolence governed the whole.

Mr. Plain Truth has renewed the story of Dr. Berkenhout, to which I have but one reply to make: why did not Mr. Deane appear against him while he was here? He was the only person who knew anything of him, and his neglecting to give information, and thereby suffering a suspicious person to escape for want of proof, is a story very much against Mr. Deane; and his complaining after the man was gone corresponds with the rest of his conduct.

When little circumstances are so easily dwelt upon, it is a sign, not only of the want of great ones, but of weakness and ill will. The crime against Mr. William Lee is, that some years ago he was elected an alderman of one of the wards in London, and the English calendar has yet printed him with the same title. Is that any fault of his? Or can he be made accountable for what the people of London may do?

Let us distinguish between Whiggishness and waspishness, between patriotism and peevishness, otherwise we shall become the laughing stock of every sensible and candid mind. Suppose the Londoners should take it into their heads to elect the president of Congress or General Washington an alderman, is that a reason why we should displace them? But Mr. Lee, say they, has not

resigned. These men have no judgment, or they would not advance such positions. Mr. Lee has nothing to resign. He has vacated his aldermanship by accepting an appointment under Congress, and can know nothing further of the matter. Were he to make a formal resignation it would imply his being a subject of Great Britain; besides which, the character of being an ambassador from the States of America, is so superior to that of any alderman of London, that I conceive Mr. Deane, or Mr. PLAIN TRUTH, or any other person, as doing a great injustice to the dignity of America by attempting to put the two in any disreputable competition. Let us be honest lest we be despised, and generous lest we be laughed at.

Mr. Deane in his address of the fifth of December, says, "having thus introduced you to your great servants, I now proceed to make you acquainted with some other personages, which it may be of consequence for you to know. I am *sorry* to say, that Arthur Lee, Esq., was suspected by some of the best friends you had abroad, and those in important characters and stations." To which I reply, that I firmly believe Mr. Deane will *likewise* be sorry he has said it. Mr. Deane after thus advancing a charge

endeavors to palliate it by saying, "these suspicions, *whether well* or *ill* founded, were frequently urged to Dr. Franklin and myself." But Mr. Deane ought to have been certain that they were *well founded,* before he made such a publication, for if they are *not* well founded he must appear with great discredit, and it is now his duty to accuse Mr. Arthur Lee legally, and support the accusation with sufficient proofs.

Characters are tender and valuable things; they are more than life to a man of sensibility, and are not to be made the sport of interest, or the sacrifice of incendiary malice. Mr. Lee is an absent gentleman, I believe, too, an honest one, and my motive for publishing this, is not to gratify any party, or any person, but as an act of social duty which one man owes to another, and which, I hope, will be done to me whenever I shall be accused ungenerously behind my back.

Mr. Lee to my knowledge has far excelled Mr. Deane in the usefulness of his information, respecting the political and military designs of the Court of London. While in London he conveyed intelligence that was dangerous to his personal safety. Many will remember the instance of the rifleman who had been carried prisoner to England alone three years ago, and who after-

wards returned from thence to America, and brought with him a letter concealed in a button. That letter was from this gentleman, and the public will, I believe, conclude, that the hazard Mr. Lee exposed himself to, in giving information while so situated, and by such means, deserves their regard and thanks.

The detail of the number of the foreign and British troops for the campaign of 1776, came first from him, as did likewise the expedition against South Carolina and Canada, and among other accounts of his, that the English emissaries at Paris had boasted that the British Ministry had sent over half a million of guineas to corrupt the Congress. This money, should they be fools enough to send it, will be very ineffectually attempted or bestowed, for repeated instances have shown that the moment any man steps aside from the public interest of America, he becomes despised, and if in office, superseded.

Mr. Deane says, "that Dr. Berkenhout, when he returned to New York, ventured to assure the British commissioners, that by the alliance with France, America was at liberty to make peace without consulting her ally, unless England declared war." What is it to us what Dr. Berkenhout said, or how came Mr. Deane to know

what passed between him and the British commissioners? But I ask Mr. Deane's pardon, he has told us how. "Providence, (says he) in whom we put our trust, *unfolded* it to me." But Mr. Deane says, that Colonel R. H. Lee, pertinaciously maintained the same doctrine.

The treaty of alliance will neither admit of debate nor any equivocal explanation. Had *war not broke out,* or *had not Great Britain, in resentment to that alliance or connection, and of the good correspondence which is the object of the said treaty, broke the peace with France, either by direct hostilities or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting at that time, between the two Crowns*—in this case I likewise say, that America, as a *matter of right,* could have made a peace without consulting her ally, though the civil obligations of mutual esteem and friendship would have required such a consultation.

But war *has* broke out, though not declared, for the first article in the treaty of alliance is confined to the *breaking out of war,* and *not* to its *declaration.* Hostilities have been commenced; therefore the first case is superseded, and the eighth article of the treaty of alliance has its

full intentional force: *"Article 8.*—Neither of the two parties shall conclude either truce or peace without the formal consent of the other first obtained, and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured, by the treaty or treaties that shall terminate that war."

What Mr. Deane means by this affected appearance of his, both personally and in print, I am quite at a loss to understand. He seems to conduct himself here in a style, that would more properly become the secretary to a foreign embassy, than that of an American minister returned from his charge. He appears to be everybody's servant but ours, and for that reason can never be the proper person to execute any commission, or possess our confidence. Among the number of his *"sufferings"* I am told that he returned burdened with forty changes of silk, velvet, and other dresses. Perhaps this was the reason he could not bring his papers.

Mr. Deane says, that William Lee, Esq., gives five per cent commission and receives a share of it, for what was formerly done for two per cent. The matter requires to be cleared up and explained; for it is not the quantity per cent, but

the purposes to which it is applied that makes it right or wrong; besides which, the whole matter, like many other of Mr. Deane's charges, may be groundless.

I here take my leave of this gentleman, wishing him more discretion, candor and generosity.

In the beginning of this address I informed the public, that "whatever I should conceive necessary to say of myself, would appear in the conclusion." I chose that mode of arrangement, lest by explaining my own situation first, the public might be induced to pay a greater regard to what I had to say against Mr. Deane, than was necessary they should; whereas it was my wish to give Mr. Deane every advantage, by letting what I had to advance come from me, while I laid under the disadvantage of having the motives of my conduct mistaken by the public. Mr. Deane and his adherents have apparently deserted the field they first took possession of and seemed to triumph in. They made their appeal to you, yet have suffered me to accuse and expose them for almost three weeks past, without a denial or a reply.

I do not blame the public for censuring me while they, though wrongfully, supposed I deserved it. When they see their mistake, I have

no doubt, but they will honor me with that regard of theirs which I before enjoyed. And considering how much I have been misrepresented, I hope it will not now appear ostentatious in me, if I set forth what has been my conduct, ever since the first publication of the pamphlet "Common Sense" down to this day, on which, and on account of my reply to Mr. Deane, and in order to import the liberty of the press, and my right as a freeman, I have been obliged to resign my office of secretary for foreign affairs, which I held under Congress. But this, in order to be complete, will be published in the "Crisis" VIII, of which notice will be given in the papers.

COMMON SENSE.

Philadelphia, January 8, 1779.

AUTOBIOGRAPHICAL SKETCH
JANUARY 14, 1779

TO HON. HENRY LAURENS

SIR: My anxiety for your *personal* safety has not only fixed a profound silence upon me, but prevents my asking you a great many questions, lest I should be the unwilling, unfortunate cause of new difficulties or fatal consequences to you, and in such a case I might indeed say, "*'T is the survivor dies.*"

I omitted sending the inclosed in the morning as I intended. It will serve you to parry ill nature and ingratitude with, when undeserved reflections are cast upon me.

I certainly have some awkward natural feeling, which I never shall get rid of. I was sensible of a kind of shame at the Minister's door to-day, lest anyone should think I was going to solicit a pardon or a pension. When I come to you I feel only an *unwillingness* to be seen, on your account. I shall never make a courtier, I see that.

I am your obedient humble servant,

THOMAS PAINE.

January 14, 1779.

SIR: — For your amusement I give you a short history of my conduct since I have been in America.

I brought with me letters of introduction from Dr. Franklin. These letters were with a flying seal, that I might, if I thought proper, close them with a wafer. One was to Mr. Bache of this city. The terms of Dr. Franklin's recommendation were "*a worthy, ingenious, etc.*" My particular design was to establish an academy on the plan they are conducted in and about London, which I was well acquainted with. I came some months before Dr. Franklin, and waited here for his arrival. In the meantime a person of this city desired me to give him some assistance in conducting a magazine, which I did without making any bargain. The work turned out very profitable. Dr. Witherspoon had likewise a concern [in] it. At the end of six months I thought it necessary to come to some contract. I agreed to leave the matters to arbitration. The bookseller mentioned two on his own part—Mr. Duché, your late chaplain, and Mr. Hopkinson. I agreed to them and declined mentioning any on my part. But the bookseller getting information of what Mr. Duché's private opinion was, withdrew from the arbitration, or rather refused

to go into it, as our agreement to abide by it was only verbal. I was requested by several literary gentlemen in this city to undertake such a work on my own account, and I could have rendered it very profitable.

As I always had a taste to science, I naturally had friends of that cast in England; and among the rest George Lewis Scott, Esq., through whose formal introduction my first acquaintance with Dr. Franklin commenced. I esteem Mr. Scott as one of the most amiable characters I know of, but his particular situation had been, that in the minority of the present King he was his sub-preceptor, and from the occasional traditionary accounts yet remaining in the family of Mr. Scott, I obtained the true character of the present King from his childhood upward, and, you may naturally suppose, of the present Ministry. I saw the people of this country were all wrong, by an ill-placed confidence.

After the breaking out of hostilities I was confident their design was a total conquest. I wrote to Mr. Scott in May, 1775, by Captain James Josiah, now in this city. I read the letter to him before I closed it. I used in it this free expression: "Surely the Ministry are all mad; they never will be able to conquer America."

The reception which the last petition of Congress met with put it past a doubt that such was their design, on which I determined with myself to write the pamphlet "[Common] Sense." As I knew the time of the Parliament meeting, and had no doubt what sort of King's speech it would produce, my contrivance was to have the pamphlet come out just at the time the speech might arrive in America, and so fortunate was I in this cast of policy that both of them made their appearance in this city on the same day. The first edition was printed by Bell on the recommendation of Dr. Rush. I gave him the pamphlet on the following conditions: That if any loss should arise I would pay it—and in order to make him industrious in circulating it, I gave him one-half the profits, if it should produce any. I gave a written order to Colonel Joseph Dean and Captain Thomas Prior, both of this city, to receive the other half, and lay it out for mittens for the troops that were going to Quebec. I did this to do honor to the cause. Bell kept the whole, and abused me into the bargain. The price he set upon them was two shillings.

I then enlarged the pamphlet with an appendix and an address to the Quakers, which made

it one-third bigger than before, printed 6,000 at my own expense, 3,000 by B. Towne, 3,000 by Cist & Steyner, and delivered them ready stitched and fit for sale to Mr. Bradford at the Coffee-house; and though the work was thus increased, and consequently should have borne a higher price, yet, in order that it might produce the general service I wished, I confined Mr. Bradford to sell them at only one shilling each, or tenpence by the dozen, and to enable him to do this, with sufficient advantage to himself, I let him have the pamphlets at 8½d. Pennsylvania currency each.

The sum of 8½d. each was reserved to defray the expense of printing, paper, advertising, etc., and such as might be given away. The state of the account at present is that I am £39 11s. out of pocket, being the difference between what I have paid for printing, etc., and what I have received from Bradford. He has a sufficiency in his hands to balance with and clear me, which is all I aimed at, but by his unaccountable dilatoriness and unwillingness to settle accounts, I fear I shall be obliged to sustain a real loss exclusive of my trouble.

I think the importance of that pamphlet was such that if it had not appeared, and that at the

exact time it did, the Congress would not now have been sitting where they are. The light which that performance threw upon the subject gave a turn to the politics of America which enabled her to stand her ground. Independence followed in six months after it, although before it was published it was a dangerous doctrine to speak of, and that because it was not understood.

In order to accommodate that pamphlet to every man's purchase and to do honor to the cause, I gave up the profits I was justly entitled to, which in this city only would at the usual price of books [have] produced me £1,000 at that time a day, besides what I might have made by extending it to other states. I gave permission to the printers in other parts of this State [Pennsylvania] to print it on their own account. I believe the number of copies printed and sold in America was not short of 150,000—and is the greatest sale that any performance ever had since the use of letters,—exclusive of the great run it had in England and Ireland.

The doctrine of that book was opposed in the public newspapers under the signature of CATO, who, I believe, was Dr. Smith, and I was sent for from New York to reply to him, which I did, and happily with success. My letters are under

the signature of THE FORESTER. It was likewise opposed in a pamphlet signed PLAIN TRUTH, but the performance was too weak to do any hurt or deserve any answer. In July following the publication of "Common Sense" the Associators of this State marched to Amboy under the command of General Roberdeau. The command was large, yet there was no allowance for a secretary. I offered my service voluntarily, only that my expenses should be paid, all the charges I put General Roberdeau to was $48; although he frequently pressed me to make free with his private assistance. After the Associators returned I went to Fort Lee, and continued with General [Nathanael] Greene till the evacuation.

A few days after our army had crossed the Delaware on the eighth of December, 1776, I came to Philadelphia on public service, and, seeing the deplorable and melancholy condition the people were in, afraid to speak and almost to think, the public presses stopped, and nothing in circulation but fears and falsehoods, I sat down, and in what I may call a passion of patriotism, wrote the first number of the "Crisis." It was published on the nineteenth of December, which was the very blackest of times, being before the

taking of the Hessians at Trenton. I gave that piece to the printer gratis, and confined him to the price of two coppers, which was sufficient to defray his charge.

I then published the second number, which being as large again as the first number, I gave it to him on the condition of his taking only four coppers each. It contained sixteen pages.

I then published the third number, containing thirty-two pages, and gave it to the printer, confining him to ninepence.

When the account of the battle of Brandywine got to this city, the people were again in a state of fear and dread. I immediately wrote the fourth number [of the "Crisis"]. It contained only four pages, and as there was no less money than the sixth of dollars in general circulation, which would have been too great a price, I ordered 4,000 to be printed at my own private charge and given away.

The fifth number I gave Mr. Dunlap at Lancaster. He, very much against my consent, set half a crown upon it; he might have done it for a great deal less. The sixth and seventh numbers I gave in the papers. The seventh number would have made a pamphlet of twenty-four

pages, and brought me in $3,000 or $4,000 in a very few days, at the price which it ought to have borne.

Moneys received since I have been in America:

Salary for 17 months at 70 dollars per month	1,190 dollars
For rations and occasional assistance at Fort Lee	141 ditto
For defraying the expense of a journey from East Town round by Morris when secretary to the Indian Commission, and some other matters, about 140 or 145 dollars	145 ditto
Total of public money	1,476

In the spring, 1776, some private gentleman, thinking that it was too hard that I should, after giving away my profits for a public good, be money out of pocket on account of some expense I was put to—sent me by the hands of Mr. Christopher Marshall 108 dollars.

You have here, Sir, a faithful history of my services and my rewards.

MESSRS. DEANE, JAY, AND GÉRARD

From the *Pennsylvania Packet* of
September 14, 1779.

MR. DUNLAP:

IN your paper of August thirty-first was published an extract of a letter from Paris, dated May the twenty-first, in which the writer, among other things, says:

It is long since I felt in common with every other well-wisher to the cause of liberty and truth, the obligations I was under to the author of "Common Sense," for the able and unanswerable manner in which he has defended those principles. The same public motives, I am persuaded, induced him to address the public against Mr. Deane and his associates. The countenance and support which Deane has received is a melancholy presage of the future. Vain, assuming, avaricious and unprincipled, he will stick at no crime to cover what he has committed and continue his career.

The impunity with which Deane has traduced and calumniated Congress to their face, the indulgence and even countenance he has received, the acrimonious and uncandid spirit of a letter containing Mr. Paine's publications which accompanied a resolve sent to Mr. Gerard, are matters of deep concern here to every friend to America.

By way of explaining the particular letter referred to in the above, the following note was added:

The letter here alluded to can be no other than that signed JOHN JAY, dated January thirteenth, and published in Mr. Dunlap's paper of January sixteenth. It is very extraordinary that Mr. Jay should write such a letter, because it contains the same illiberal reflections which Congress, as a body, had rejected from their resolve of January twelfth, as may be seen by anyone who will peruse the proceedings of January last. Congress has since declined to give countenance to Mr. Jay's letter; for tho' he had a public authority for writing *a letter* to Mr. Gerard, he had no authority for the reflections he used; besides which, the letter would be perfectly laughable were every circumstance known which happened at that particular time, and would likewise show how exceedingly delicate and cautious a President ought to be when he means to act officially in cases he is not sufficiently acquainted with.

Every person will perceive that the note which explains the letter referred to, is not a part of the letter from Paris, but is added by another person; and Mr. Jay, or any other gentleman, is welcome to know that the note is in my writing, and that the original letter from Paris is now in my possession. I had sufficient authority for the expressions used in the note. Mr. Jay did not lay his letter to Mr. Gerard before Congress previous to his sending it, and therefore, tho' he had their order, he had not their approbation. They, it is true, ordered it to be published, but there is no vote for approving it, neither have they given it a place in their jour-

nals, nor was it published in any more than one paper in this city (Benjamin Towne's), tho' there were at that time two others.

Some time after Mr. Jay's letter appeared in the paper, I addressed another to Congress, complaining of the unjust liberty he had taken, and desired to know whether I was to consider the expressions used in his letter as containing *their* sentiments, at the same time informing them, that if they declined to prove what he had written, I should consider their silence as a disapprobation of it. Congress chose to be silent; and consequently, have left Mr. Jay to father his own expressions.

I took no other notice of Mr. Jay's letter at the time it was published, being fully persuaded that when any man recollected the part I had acted, not only at the first but in the worst of times, he could but look on Mr. Jay's letter to be groundless and ungrateful, and the more so, because if America had had no better friends than himself to bring about independence, I fully believe she would never have succeeded in it, and in all probability been a ruined, conquered and tributary country.

Let any man look at the position America was in at the time I first took up the subject, and

published "Common Sense," which was but a few months before the Declaration of Independence; an army of thirty thousand men coming out against her, besides those which were already here, and she without either an object or a system, fighting, she scarcely knew for what, and which, if she could have obtained, would have done her no good. She had not a day to spare in bringing about the only thing which could save her, a REVOLUTION, yet no one measure was taken to promote it, and many were used to prevent it; and had independence not been declared at the time it was, I cannot see any time in which it could have been declared, as the train of ill-successes which followed the affair of Long Island left no future opportunity.

Had I been disposed to have made money, I undoubtedly had many opportunities for it. The single pamphlet, "Common Sense," would at that time of day, have produced a tolerable fortune, had I only taken the same profits from the publication which all writers had ever done, because the sale was the most rapid and extensive of anything that was ever published in this country, or perhaps any other. Instead of which I reduced the price so low, that instead of getting, I yet stand thirty-nine pounds eleven

shillings out of pocket on Mr. Bradford's books, exclusive of my time and trouble, and I have acted the same disinterested part by every publication I have made. I could have mentioned those things long ago, had I chosen, but I mention them now to make Mr. Jay feel his ingratitude.

In the *Pennsylvania Packet* of last Tuesday some person has republished Mr. Jay's letter, and Mr. Gerard's answer of the thirteenth and fourteenth January last, and though I was patiently silent upon their first publication, I now think it necessary, since they are republished, to give some circumstances which ought to go with them.

At the time the dispute arose, respecting Mr. Deane's affairs, I had a conference with Mr. Gerard at his own request, and some matters on that subject were freely talked over, which it is here unnecessary to mention. This was on the second of January.

On the evening of the same day, or the next, Mr. Gerard, thro' the mediation of another gentleman, made me a very genteel and profitable offer. I felt at once the respect due to his friendship, and the difficulties which my acceptance would subject me to. My whole credit was

staked upon going through with Deane's affairs, and could I afterwards have written with the pen of an angel, on any subject whatever, it would have had no effect, had I failed in that or declined proceeding in it. Mr. Deane's name was not mentioned at the time the offer was made, but from some conversation which passed at the time of the interview, I had sufficient reason to believe that some restraint had been laid on that subject. Besides which I have a natural, inflexible objection to anything which may be construed into a private pension, because a man after that is no longer truly free.

My answer to the offer was precisely in these words—"Any service I can render to either of the countries in alliance, or to both, I ever have done and shall readily do, and Mr. Gerard's *esteem* will be the only recompense I shall desire." I particularly chose the word *esteem* because it admitted no misunderstanding.

On the fifth of January I published a continuation of my remarks on Mr. Deane's affairs, and I have ever felt the highest respect for a nation which has in every stage of our affairs been our firm and invariable friend. I spoke of France under that general description. It is true I prosecuted the point against Mr. Deane,

but what was Mr. Deane to France, or to the Minister of France?

On the appearance of this publication Mr. Gerard presented a Memorial to Congress respecting some expressions used therein, and on the sixth and seventh I requested of Congress to be admitted to explain any passages which Mr. Gerard had referred to; but this request not being complied with, I, on the eighth, sent in my resignations of the office of Secretary to the Committee of Foreign Affairs.

In the evening I received an invitation to sup with a gentleman, and Mr. Gerard's offer was, by his own authority, again renewed with considerable additions of advantage. I gave the same answer as before. I was then told that Mr. Gerard was very ill, and desired to see me. I replied, " That as a matter was then depending in Congress upon a representation of Mr. Gerard against some parts of my publications, I thought it indelicate to wait on him till that was determined."

In a few days after I received a second invitation, and likewise a third, to sup at the same place, in both of which the same offer and the same invitation were renewed and the same answers on my part were given: But being repeat-

edly pressed to make Mr. Gerard a visit, I engaged to do it the next morning at ten o'clock: but as I considered myself standing on a nice and critical ground, and lest my reputation should be afterward called in question, I judged it best to communicate the whole matter to an honorable friend before I went, which was on the fourteenth of January, the very day on which Mr. Gerard's answer to Mr. Jay's letter is dated.

While with Mr. Gerard I avoided as much as possible every occasion that might give rise to the subject. Himself once or twice hinted at the publications and added that, "he hoped no more would be said on the subject," which I immediately waived by entering on the loss of the dispatches. I knew my own resolution respecting the offer, had communicated that resolution to a friend, and did not wish to give the least pain to Mr. Gerard, by personally refusing that, which, from him might be friendship, but to me would have been the ruin of my credit. At a convenient opportunity I rose to take my leave, on which Mr. Gerard said "Mr. Paine, I have always had a great respect for you, and should be glad of some opportunity of showing you more solid marks of my friendship."

I confess I felt myself hurt and exceedingly

concerned that the injustice and indiscretion of a party in Congress should drive matters to such an extremity that one side or other must go to the bottom, and in its consequences embarrass those whom they had drawn in to support them. I am conscious that America had not in France a more strenuous friend than Mr. Gerard, and I sincerely wish he had found a way to avoid an affair which has been much trouble to him. As for Deane, I believe him to be a man who cares not who he involves to screen himself. He has forfeited all reputation in this country, first by promising to give an *"history of matters important for the people to know"* and then not only failing to perform that promise, but neglecting to clear his own suspected reputation, though he is now on the spot and can any day demand an hearing of Congress, and call me before them for the truth of what I have published respecting him.

Two days after my visit to Mr. Gerard, Mr. Jay's letter and the answer to it was published, and I would candidly ask any man how it is possible to reconcile such letters to such offers both done at one and the same time, and whether I had not sufficient authority to say that Mr. Jay's letter would be truly laughable, were all the cir-

cumstances known which happened at the time of his writing.

Whoever published those letters in last Tuesday's paper, must be an idiot or worse. I had let them pass over without any other public notice than what was contained in the note of the preceding week, but the republishing them was putting me to defiance, and forcing me either to submit to them afresh, or to give the circumstances which accompanied them. Whoever will look back to last winter, must see I had my hands full, and that without any person giving the least assistance.

It was first given out that I was paid by Congress for vindicating their reputation against Mr. Deane's charges, yet a majority in that House were every day pelting me for what I was doing. Then Mr. Gerard was unfortunately brought in, and Mr. Jay's letter to him and his answer were published to effect some purpose or other. Yet Mr. Gerard was at the same time making the warmest professions of friendship to me, and proposing to take me into his confidence with very liberal offers. In short I had but one way to get thro', which was to keep close to the point and principle I set out upon, and that alone has rendered me successful. By

making this my guide I have kept my ground, and I have yet ground to spare, for among other things I have authentic copies of the dispatches that were lost.

I am certain no man set out with a warmer heart or a better disposition to render public service than myself, in everything which laid in my power. My first endeavor was to put the politics of the country right, and to show the advantages as well as the necessity of independence: and until this was done, independence never could have succeeded. America did not at that time understand her own situation; and though the country was then full of writers, no one reached the mark; neither did I abate in my service, when hundreds were afterwards deserting her interests and thousands afraid to speak, for the first number of the "Crisis" was published in the blackest stage of affairs, six days before the taking of the Hessians at Trenton.

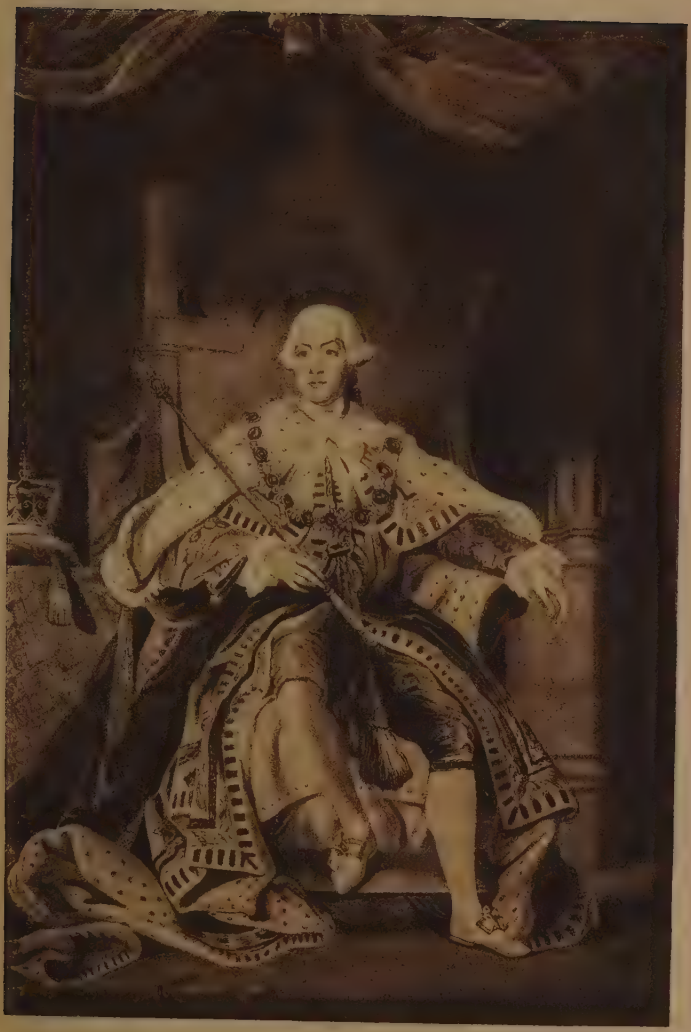
When this State was distracted by parties on account of her Constitution, I endeavored in the most disinterested manner to bring it to a conclusion; and when Deane's impositions broke out, and threw the whole States into confusion, I readily took up the subject, for no one else understood it, and the country now see that I was

right. And if Mr. Jay thinks he derives any credit from his letter to Mr. Gerard, he will find himself deceived, and that the ingratitude of the composition will be his reproach not mine.

COMMON SENSE.

HIS MAJESTY GEORGE III

Photogravure from the Original Painting by Sir Joshua Reynolds presented to the Royal Academy of Arts, London



PEACE AND THE NEWFOUNDLAND FISHERIES

From the *Pennsylvania Gazette,*
June 30, 1779

MESSIEURS HALL AND SELLERS

GENTLEMEN:

A PIECE of very extraordinary complexion made it appearance in your last paper, under the signature of AMERICANUS, and what is equally as extraordinary, I have not yet met with one advocate in its favor. To write under the curse of universal reprobation is hard indeed, and proves that either the writer is too honest for the world he lives in, or the world, bad as it is, too honest for him to write in.

Some time last winter a worthy member of the Assembly of this State put into my hands, with some expressions of surprise, a motion which he had copied from an original shown to him by another member, who intended to move it in the House. The purport of *that,* and the doctrine of AMERICANUS, bear such strong resemblance to each other that I make no hesitation in believing them both generated from the same

parents. The intended motion, however, withered without being put, and AMERICANUS, by venturing into being, has exposed himself to a less tranquil exit.

Whether AMERICANUS sits in Congress or not, may be the subject of future inquiry; at present I shall content myself with making some strictures on what he advances.

He takes it for granted that hints toward a negotiation for peace have been made to Congress, and that a debate has taken place in that House respecting the terms on which such a negotiation shall be opened.

> It is reported, says he, that Congress are still debating what the terms shall be, and that some men strenuously insist on such as others *fear* will not be agreed to, and as they *apprehend* may prevent any treaty at all, and such as our ally [France], by his treaties with us, is *by no* means bound to support us in demanding.

AMERICANUS, after running through a variety of introductory matter, comes at last to the point, and intimates, or rather informs, that the particular subject of debate in Congress has been respecting the fisheries on the Banks of Newfoundland, some insisting thereon as a matter of right and urging it as a matter of absolute necessity, others doubting, or appearing to doubt

whether we have any right at all, and indifferent whether the fisheries be claimed or not. Among the latter of which AMERICANUS appears to be one.

Either AMERICANUS does not know how to make a bargain, or he has already made one, and his affectation of modesty is the dress of design. How, I ask, can AMERICANUS, or any other person, know what claims or proposals will be rejected or what agreed to, till they be made, offered or demanded? To suppose a rejection is to invite it, and to publish our "*apprehensions,*" as a reason for declining the claim, is encouraging the enemy to fulfil the prediction. AMERICANUS may think what he pleases, but for my own part, I hate a prophesier of ill-luck, because the pride of being thought wise often carries him to the wrong side.

That an inhabitant of America or a member of Congress should become an advocate for the exclusive right of Britain to the fisheries, and signify, as his opinion, that an American has not a right to fish in the American seas, is something very extraordinary.

It is a question, says he, whether the subjects of these states had any other right to fishing than what they *derived from their being subjects of Great Britain;*

and as it cannot be pretended that they were in the possession and enjoyment of the right either at the time of the Declaration of Independence or of signing the Treaties of Paris, nor that it was ever included in any one of the charters of the United States, it cannot be surprising that many, who judge a *peace* necessary for the happiness of these states, should be *afraid* of the consequences which may follow from making this an ultimatum in a negotiation.

I should be glad to know what ideas AMERICANUS affixes to the words *peace* and *independence;* they frequently occur in his publication, but he uses them in such a neutral manner, that they have neither energy nor signification. Peace, it is true, has a pleasant sound, but he has nibbled it round, like Dr. Franklin's description of a gingerbread cake, till scarcely enough is left to guess at the composition. To be at peace certainly implies something more than barely a cessation of war. It is supposed to be accompanied with advantages adequate to the toils of obtaining it. It is a state of prosperity as well as safety, and of honor as well as rest. His independence, too, is made up of the same letters which compose the independence of other nations, but it has something so sickly and so consumptive in its constitution, so limping and lingering in its manner, that at best it is but in

leading strings, and fit rather for the cradle than the cabinet. But to return to his argument:

AMERICANUS has placed all his reasons the wrong way, and drawn the contrary conclusions to what he ought to have done. He doubts the rights of the States to fish, because it is not mentioned in any of the charters. Whereas, had it been mentioned, it might have been contended that the right in America was only derivative; and been given as an argument that the original right lay in Britain. Therefore the silence of the charters, added to the undisturbed practise of fishing, admit the right to exist in America *naturally,* and not by *grant,* and in Britain only *consequentially;* for Britain did not possess the fisheries independent of America, but in consequence of her dominions in America. Her claiming territory here was her title deed to the fisheries, in the same manner that Spain claims Faulkland's Island, by possessing the Spanish continent; and therefore her right to those fisheries was derived *through America,* and not the right of America through Britain. Wedded to the continent, she inherited its fortunes of islands and fisheries, but divorced therefrom, she ceases her pretensions.

What AMERICANUS means by saying, *that it*

cannot be pretended we were in the possession and enjoyment of the right either at the time of the Declaration of Independence, or of signing the Treaty of Paris, I am at a loss to conceive; for the right being natural in America, and not derivative, could never cease, and though by the events of war she was at that time dispossessed of the immediate enjoyment, she could not be dispossessed of the *right,* and needed no other proofs of her title than custom and situation.

AMERICANUS has quoted the second and eleventh articles of the Treaty of Paris, by way of showing that the right to the fisheries is not one of those rights which France has undertaken to guarantee.

To which I answer, that he may say the same by any particular right, because those articles describe no particular rights, but are comprehensive of *every* right which appertains to sovereignty, of which fishing in the American seas must to us be one.

Will AMERICANUS undertake to persuade, that it is not the interest of France to endeavor to secure to her ally a branch of trade which redounds to the mutual interest of both, and without which the alliance will lose half its worth? Were we to propose to surrender the right and

practise of fishing to Britain, we might reasonably conclude that France would object to such a surrender on our part, because it would not only render us a less valuable ally in point of commerce as well as power, but furnish the enemy of both with a new acquisition of naval strength; the sure and natural consequence of possessing the fisheries.

AMERICANUS admits the fisheries to be an "*object of great consequence to the United States, to two or three of them more especially.*"

Whatever is of consequence to any, is so to all; for wealth like water soon spreads over the surface, let the place of entrance be ever so remote; and in like manner, any portion of strength which is lost or gained to any one or more states, is lost or gained to the whole; but this is more particularly true of naval strength, because, when on the seas it acts immediately for the benefit of all, and the ease with which it transports itself takes in the whole coast of America, as expeditiously as the land forces of any particular state can be arranged for its own immediate defense.

But of all the States of America, New York ought to be the most anxious to secure the fisheries as a nursery for a navy;—because the par-

ticular situation of that State, on account of its deep waters, is such, that it will ever be exposed to the approaches of an enemy, unless it be defended by a navy; and if any of the delegates of that State has acted a contrary part, he or they have either designedly or ignorantly betrayed the interest of their constituents, and deserve their severest censure.

Through the whole of this curious and equivocal piece, the premises and arguments have, in themselves, a suspicious appearance of being unfairly if not unjustly stated, in order to admit of, and countenance, wrong conclusions; for taking it for granted that Congress have been debating upwards of four months what the terms shall be on which they shall open a negotiation, and that the House are divided respecting their opinion of those terms, it does not follow from thence that the *"public have been deceived"* with regard to the news said to have arrived last February; and if they are deceived, the question is who deceived them? Neither do several other conclusions follow which he has attempted to draw, of which the two I shall now quote are sufficient instances.

If, says AMERICANUS, the *insisting* on terms which neither the *Declaration of Independence nor the Treaties*

of Paris authorized us to challenge as our rights, have caused the late, otherwise unaccountable delays, and prevented a peace, or at least a negotiation being open for one, *those who have challenged and insisted on these claims are justly responsible for the consequences.*"

This I look on to be truly jesuitical; for the delay cannot be occasioned by those who *propose,* but by those who *oppose,* and therefore the construction should stand thus:

If the *objecting* to rights and claims, which are neither *inconsistent with the Declaration of Independence or the Treaties of Paris, and naturally included and understood in both,* has caused the late, otherwise unaccountable delays, and prevented a peace, or at least a negotiation for one, *those who made such objections, and thereby caused such delays and prevented such negotiations being gone into, are justly responsible for the consequences.*

His next position is of the same cast, and admits of the same reversion.

Governor Johnstone, says he, in the House of Commons freely declared he had made use, while in America, of other means to effect the purpose of his commission than those of reason and argument; *have we not,* continues AMERICANUS, *good right from present appearances to believe that in this instance he declared the truth.*

To this wonderful supposition I shall apply another, viz. That if Governor Johnstone *did* declare the truth, *who have we most right to suspect, those who are for relinquishing the fisheries to Britain, or those who are for retaining them?*

Upon the whole, I consider the fisheries of the utmost importance to America, and her natural right thereto so clear and evident, that it does not admit of a debate, and to surrender them is a species of treason for which no punishment is too severe.

I have not stepped out of my way to fetch in either an argument or a fact, but have confined my reply to the piece, without regard to who the author is, or whether any such debates have taken place or not, or how far it may or [may] not have been carried on one side or the other.

COMMON SENSE.

Philadelphia, June 26, 1779.

PEACE, AND THE NEWFOUNDLAND FISHERIES

From the *Pennsylvania Gazette*
July 14, 1779

AMERICANUS, in your last, has favored the public with a description of himself as a preface to his piece. "I am," says he, "neither a member of Congress or of the Assembly of this State, or of any other, but a private citizen, in moderate circumstances in point of fortune, *and whose political principles have never been questioned.*" All this may be very true, and yet nothing to the purpose; neither can the declaration be admitted either as a positive or negative proof of *what his principles are.* They may be good, or they may not, and yet be so well known as not to be doubted by those who know the writer.

Joseph Galloway formerly wrote under the signature of AMERICANUS, and tho' every honest man condemns his principles, yet nobody pretends to question them. When a writer, and especially an anonymous one, readily means to declare his political principles as a reinforcement to his arguments, he ought to be full, clear, and

decisive, but this declaration is so ambiguously constructed and so unmeaningly applied, that it may be used by any and every person either within or without the enemy's lines, for it does not declare what his principles are, but that, be they what they may, *they are not questioned.*

Before I proceed, I cannot help taking notice of another inconsistency in his publication of last week. "In my last," says he, "I said that it was very unhappy that this question has been touched on or agitated at all at this time, to which," continues he, "I will now add, it is particularly so, *that it is become a subject of discussion in the public papers.*" This is very extraordinary from the very man who first brought it into the public papers.

A short piece or two, on the importance of fisheries in general, were anonymously published some time ago; but as a matter of treaty debate in Congress, or as a matter of right in itself, with the arguments and grounds on which they proceeded, AMERICANUS is originally chargeable with the inconvenience he pretends to lament. I with some others had heard, or perhaps knew, that such a subject was in debate, and tho' I always laid myself out to give it a meeting in the

papers whenever it should appear, I never hinted a thought that might tend to start it.

"To *permit* the public," says AMERICANUS, "to be made acquainted with what are to be the *ultimate demands* in a proposed treaty is really something new and extraordinary, if not impolitic and absurd." There is a compound of folly and arrogance in this declaration, which deserves to be severely censured. Had he said, that to publish all the arguments of Congress, on which any claim in a proposed treaty are founded or objected to, might be inconvenient and in some cases impolitic, he would have been nearly right; but the *ultimate demand itself ought* to be made known, together with the rights and reasons on which that demand is founded.

But who is this gentleman who undertakes to say, that to *permit* the public to be made acquainted is really impolitic and absurd? And to this question I will add, that if he distinguishes Congress into one body, and the public into another, I should be glad to know in what situation he places himself, so as not to be subject to his own charge of absurdity. If he belongs to the former, he has, according to his own position, a right to know but not to tell, and if to the latter, he has neither a right to know nor to tell, and yet

in some character or other he has done both. If this gentleman's political principles were never questioned before, I think they ought to be questioned now; for a man must be a strange character indeed, whom no known character can suit.

I am the more inclined to suspect AMERICANUS, because he most illiberally, and in contradiction to everything sensible and reasonable, endeavored, in his former piece, to insinuate that Governor Johnstone had bribed a party in Congress to *insist on the right of the United States to fish on the Banks of Newfoundland.* An insinuation so impolitic and absurd, so wide and foreign to the purpose of Governor Johnstone's commission, can only be understood the contrary way; namely, that he had bribed somebody or other to *insist* that the right should *not be insisted on.*

The expression of Governor Johnstone, as printed in the English papers, is literally this. "I do not," says he, "mean to disavow I *have had* transactions, where *other means have been used* besides persuasion." Governor Johnstone was in no places in America but Philadelphia and New York, and these *other* means must have been used in one or other, or both of these places. We have had evidence of one application of his,

with an offer of ten thousand guineas, which was refused, and treated with the disdain it deserved; for the offer of a bribe contains in it, to all men of spirit, the substance of an affront. But it is strange indeed, if the *one* that was refused was the *only one* that was offered. Let any person read AMERICANUS in your paper of June twenty-third, and if he can after that acquit him of all suspicion, he must be charitable indeed.

But why does not AMERICANUS declare who he is? This is no time for concealment, neither are the presses, tho' free, to become the vehicles of disguised poison. I have had my eye on that signature these two months past, and to what lengths the gentleman meant to go himself can best decide.

In his first piece he loosely introduced his intended politics, and put himself in a situation to make further advances. His second was a rapid progress, and his last a retreat. The difference between the second and last is visible. In the former of those two he endeavors to invalidate the right of the United States to fish on the Banks of Newfoundland, because, forsooth, it was not mentioned in any of the former charters. It is very extraordinary that these same charters, which marked out and were the instruments of

our *dependence,* should now be introduced as describing the line of our *independence.*

In the same piece AMERICANUS likewise says, "it is a question whether the subjects of these states *had any other right* to that fishery, than what they derived from being the subjects of Great Britain." If this be not advocating the cause of the enemy, I know not what is. It is newspaper advice to them to insist on an exclusive right to the fisheries, by insinuating ours to be only a derivative one from them; which, had it been the case, as it is not, would have been very improper doctrine to preach at the first instance of a negotiation. If they have any right, let them find those rights out themselves. We shall have enough to do to look to our own side of the question, and ought not to admit persons among us to join force with the enemy either in arms or argument.

Whether AMERICANUS found himself approaching a stormy latitude, and fearing for the safety of his bark, thought proper to tack about in time, or whether he has changed his appetite, and become an epicure in fish, or his principles, and become an advocate for America, must be left for his own decision; but in his last week's publication he has surrendered the grounds of

his former one, and changed the argument from a matter of right to a matter of supposed convenience only. He no more speaks of our right to the fisheries as a derivative right from Britain, in consequence of our formerly being subjects. Not a syllable of the charters, whose silence he had produced as invalidating or negativing our independent right. Neither has he endeavored to support, or offered to renew, what he had before asserted—namely, that we were not in possession of the right of fishing at the time of the Declaration of Independence, or of the signing the Treaties of Paris; but he has admitted a theorem which I had advanced in opposition to his suggestions, and which no man can contradict, viz. that our right to fish on the banks of Newfoundland is a *natural right.*

Now if our right is natural, it could not be derived from subjection, and as we never can but by our own voluntary consent be put out of the possession of a natural national right, tho' by the temporary events of war we may be put out of the enjoyment of such a right, and as the British Fishery Act of Parliament in Seventy-six to exclude us was no act of ours, and universally denied by us, therefore, from his own admission, he has contradicted himself, and allowed that we

were as fully in *possession of the right* of fishing on those banks, both at the time of the Declaration of Independence, and at the time of signing the Treaties of Paris, as at any period preceding them.

That he has admitted the natural right in his last piece, in contradiction to his supposed derivative right in his former one, will appear from two or three quotations I shall make.

1st. He says, The giving up of our *right to this object* (the fisheries) and the making an *express* demand to have it guaranteed to us, or the passing it over in silence in negotiation, are distinct things.

2d. I am well assured, he says, that there is not a member in Congress any ways disposed *to give up or relinquish our right to the Newfoundland fishery.*

The " right " here admitted cannot be a right derived from subjection, because we are no longer British subjects; neither can it be a right conveyed by charters, because we not only know no charters now, but those charters we used to know are silent on the matter in question. It must therefore be a *natural right.* Neither does the situation of America and Britain admit of any other explanation, because they are, with respect to each other, in a state of nature, not being even within the law of nations; for the law of

nations is the law of treaties, compounded with customary usage, and between America and Britain there is yet no treaty, nor any national custom established.

But the third quotation I shall make from his last piece will prove, from his own words, his assent to the *natural right* which I contended for in behalf of these states, and which he, in his former piece, impliedly disowned, by putting our whole right on a question, and making our former subjection the grounds on which that question stood.

I drew no conclusion, he says, to exclude these states, or bar them from the *right which by nature they are entitled to* with others, as well to the fishery on the *Banks of Newfoundland* as to those in the ocean at large.

As he now admits a *natural right,* and appears to contend for it, I ask, why then was his former piece published, and why was our right there put in the lowest terms possible? He does not in that piece even hint, or appear to think of, or suppose such a thing as a natural right, but stakes the issue on a question which does not apply to the case, and went as far as a man dared to go, in saying we had no right at all. From all this twisting and turning, this advancing and

retreating, and appearing to own at last what he impliedly disowned at first, I think myself justified in drawing this conclusion, that either AMERICANUS does not know how to conduct an argument, or he intended to be a traitor if he dared.

The natural right of the United States in those fisheries is either *whole* or in *part*. If to the whole, she can admit a participation to other nations. If to a part, she, in consequence of her natural right to partake, claims her share therein, which is for as much as she can catch and carry away. Nature, in her distribution of favors, seems to have appointed these fisheries as a property to the northern division of America, from Florida upwards, and therefore our claim of an exclusive right seems to be rationally and consistently founded; but our natural right to what we can catch is clear, absolute and positive.

Had AMERICANUS intended no more than to consider our claim, whether it should be made or not, as a matter of convenience only, which is the stage he has now brought it to, he ought by no means to have made even the slightest stroke at the right itself; because to omit making the claim in the treaty, and to assign the doubtfulness of the right as a reason for the omission, is to surrender the fisheries upon the insufficiency

of the pretension, and of consequence to exclude ourselves from the *practise* by the silence of the treaty, and from the *right* by the reasons upon record.

Had I time to laugh over my *fish,* I could in this place set AMERICANUS up to a very agreeable ridicule. He has all this while been angling without a bait, and endeavoring to deceive with an empty hook, and yet this man says he understands *fishing* as well as any man in America. "Very few," says he, "and *I speak it without vanity,* are better acquainted with the fisheries than myself." If this be true, which I hope it is not, it is the best reason that can be given for relinquishing them, and if made known would, on the other hand, be a great inducement to Britain to cede the whole right, because by our being possessed of a right without knowing how to use it, she would be under no apprehensions of our thinning the ocean, and we should only go out with our vessels to buy, and not to catch.

If AMERICANUS wished to persuade the Americans to say nothing about the fisheries in a treaty with Britain, he ought, as a politician of some kind or other, to have baited his hook with a plausible something, and, instead of telling them that their right was doubtful, he should have

assured them it was indisputable, that Britain never meant to question it, that it was needless to say anything about it, that all nations knew our rights, and naturally meant to acknowledge them. But he, like a wiseacre, has run against the post instead of running past it, and has, by the arguments he has used, produced a necessity for doing the very thing he was writing to prevent; and yet this man says he understands *fishing* as well as any man in America—It must be a cod indeed that should be catched by him.

COMMON SENSE.

Philadelphia, July 12, 1779.

PEACE, AND THE NEWFOUNDLAND FISHERIES

From the *Pennsylvania Gazette,*
July 21, 1779.

THE *importance* of the fisheries, AMERICANUS has kept almost totally out of sight. Why he has done so, his readers will contrive to guess at, or himself may explain. A bare confession, loosely scattered here and there, and marked with the countenance of reluctance, is all he gives on the subject. Surely, the public might have expected more from a man, who declares "he can, without vanity say, that very few are better acquainted with the *nature* and *extent* of the American fisheries than himself."

If he really possesses the knowledge he affirms, he ought to have been as prolific on the subject as the fish he was treating of: And as he has not, I am obliged to suspect either the reality of his knowledge, or the *sincerity* of his intentions. If the declaration be *not* true, there are enough to fix his *title;* and if true, it shows that a man may keep company all his life-time with cod, and be little wiser. But to the point—

There are but two natural sources of wealth

and strength—the earth and the ocean—and to lose the right to either is, in our situation, to put up the other to sale. Without the fisheries, independence would be a bubble. It would not deserve the name; and however we might, in such a condition, please ourselves with the jingle of a word, the consequences that would follow would soon deprive us even of the title and the music.

I shall arrange the fisheries under the three following heads:

First. As an employment.

Secondly. As producing national supply and commerce, and a means of national wealth.

Thirdly. As a nursery for seamen.

As an employment, by which a living is procured, it more immediately concerns those who make it their business; and in this view, which is the least of the three, such of the states, or parts thereof, which do not follow fishing, are not so directly interested as those which do. I call it the least of the three, because as no man needs want employment in America, so the change from one employment to another, if that be all, is but little to him, and less to anybody else. And this is the narrow, impolitic light in which some persons have understood the fisheries.

But when we view them as producing national

supply and commerce, and a means of national wealth, we then consider the *fish,* not the fishermen, and regard the consequences of the employment more than the employment itself; in the same manner that I distinguish the coat that clothes me, from the man that made it. In this view, we neither inquire (unless for curiosity) who catch the fish, or whether they catched themselves—how they were catched, or where? The same supply would be produced, the same commerce occasioned, and the same wealth created, were they, by a natural impulse, to throw themselves annually on the shore, or be driven there by a periodical current or storm. And taking it in this point, it is no more to us, than it was to the Israelites whether the manna that fed them was brought there by an angel or an insect, an eastern or a western breeze, or whether it was congealed dew, or a concretion of vegetable juices. It is sufficient that they had manna, and we have fish.

I imagine myself within compass, when I suppose the fisheries to constitute a fourth part of the staple commerce of the United States, and that with this extraordinary advantage, it is a commerce which interferes with none, and promotes others. Take away a fourth from any part

and the whole United States suffers, in the same manner that the blood taken from the arm is drained from the whole man; and if, by the unskilfulness of the operation, the wounded arm should lose its use, the whole body would want its service. It is to no purpose for a man to say, I am not a fisherman, an indigo planter, a rice planter, a tobacco planter, or a corn planter, any more than for the leg to say, I am not an arm; for as, in the latter instance the same blood invigorates both and all by circulation, so, in the former, each is enriched by the wealth which the other creates, and fed by the supply the other raises.

Were it proposed that no town should have a market, are none concerned therein but butchers?

And in like manner it may be asked, that if we lose the market for fish, are none affected thereby but those who catch them? He who digs the mine, or tills the earth, or fishes in the ocean, digs, tills and fishes for the world. The employment and the pittance it procures him are his; but the produce itself creates a traffic for thousands, a supply for millions.

The Eastern States by quitting agriculture for fishing become customers to the rest, partly by exchange and partly by the wealth they im-

port. Of the Middle States, they purchase grain and flour; of Maryland and Virginia, tobacco, the food and pastime of the fisherman; of North and South Carolina, and Georgia, rice and indigo. They may not happen to become the client of a lawyer in either of these states, but is it any reason that we are to be deprived of fish, one of the *instruments* of commerce, because it comes to him without a *case?*

The loss of the fisheries being at this time blended with other losses, which all nations at war are more or less subject to, is not particularly felt or distinguished in the general suspension: And the men who were employed therein being now called off into other departments, and supported by other means, feel not the want of the employment. War, in this view, contains a temporary relief for its own misfortunes, by creating a trade in lieu of the suspended one. But when, with the restoration of peace, trade shall open, the case will be very and widely different, and the fisherman like the farmer will expect to return to his occupation in quietude.

As my limits will not allow me to range, neither have I time if I had room, I shall close this second head, and proceed to the third, and

finish with some remarks on the state the question is now said to stand in in Congress.

If as an *employment* one fourth of the United States are immediately affected, and if as a source of national supply and commerce and a means of national wealth all are deeply interested, what shall we say when we consider it as a *nursery for seamen?* Here the question seems to take almost a reversed turn, for the states which do *not fish* are herein *more concerned* than those which do. It happens, by some disposition of Providence or ourselves, that those particular states whose employment is to fish are thickly settled, and secured by their internal strength from any extensive ravages of an enemy. The states, all the way from thence to the southward, beginning at New York, are less populous, and have less of that ability in proportion to their extent. *Their* security, therefore, will hereafter be in a navy, and without a fishery there can be no navy worthy of the name.

Has nature given us timber and iron, pitch and tar, and cordage if we please, for nothing but to sell or burn? Has experience taught us the art of ship-building equal to any people on earth to become the workmen of other nations? Has she surrounded our coast with fisheries to create

strength to our enemies, and make us the purchasers of our own property? Has she brought those fisheries almost to our own doors, to insult us with the prospect, and at the same time that she bar us from the enjoyment to threaten us with the constant approach of an enemy? Or has she given these things for our use, and instructed us to combine them for our own protection? Who, I ask, will undertake to answer me, AMERICANUS or myself?

What would we now give for thirteen ships of the line to guard and protect the remote or weaker parts? How would Carolina feel deliverance from danger, and Georgia from despair, and assisted by such a fleet become the prison of their invaders? How would the Whigs of New York look up and smile with inward satisfaction at the display of an admiral's command, opening, like a *"key,"* the door of their confinement? How would France solace herself at such a union of force, and reciprocally assisting and assisted traverse the ocean in safety? Yet all these, or their similar consequences, are staked upon the fisheries.

AMERICANUS may understand the "nature of fisheries," as to season, catching and curing, or their "extent" as to latitude and longitude; but

as a great political question, involving with it the means and channels of commerce, and the probability of empire, he is wholly unequal to the subject, or he would not have, as he has done, limited their effects to *"two or three states especially."* By a judgment acquired from long acquaintance, he may be able to know a cod when he sees it, or describe the inconveniences or pleasures of a fishing voyage. Or, *"born and educated"** among them, he may entertain us with the growling memories of a Newfoundland bear, or amuse us with the history of a foggy climate or a smoky hut, with all the winter chit-chat of fatigue and hardship; and this, in his idea, may be to *"understand the fisheries."*

I will venture to predict that America, even with the assistance of all the fisheries, will never be a *great,* much less a *dangerous* naval power, and without them she will be scarcely any. I am established in this opinion from the known cast and order of things. No country of a large extent ever yet, I believe, was powerful at sea, or ever will be. The natural reason of this appears to be that men do not, in any great numbers, turn their thoughts to the ocean, till either the country gets filled, or some peculiar advantage or

* King of England's first speech to the British Parliament.

necessity tempts them out. A maritime life is a kind of partial emigration, produced from a portion of the same causes with emigrations in general. The ocean becomes covered and the supply kept up from the constant swarmings of the landed hive; and as we shall never be able to fill the whole dominion of the Thirteen States, and there will ever be new land to cultivate, the necessity can never take place in America, and of course the consequences can never happen.

Paradoxical as it may appear, greatness at sea is the effect of littleness by land. Want of room and want of employ are the generating causes. Holland has the most powerful navy in the world, compared with the small extent of her crowded country. France and Spain have too much room, and the soil too luxuriant and tempting, to be quitted for the ocean. Were not this the case, and did the abilities for a navy like those for land service rise in proportion to the number of inhabitants only, France would rival more than any two powers in Europe, which is not the case.

Had not nature thrown the fisheries in our way and inflicted a degree of natural sterility on such parts of the continent as lie contiguous thereto, by way both of forcing and tempting

their inhabitants to the ocean, America, considering the present cast of the world, would have wanted the means of defense, for the far greater part of our seamen, except those produced by the fisheries, are natives of other countries. And shall we unwisely trifle with what we ought to hug as a treasure, and nourish with the utmost care as a protector? And must the W. H. D. forever mean that *We Have Dunces?*

We seek not a fleet to insult the world, or range in foreign regions for conquests. We have more land than we can cultivate; more extent than we can fill. Our natural situation frees us from the distress of crowded countries, and from the thirst of ambitious ones. We covet not dominion, for we already possess a world; we want not to export our laboring poor, for where can they live better, or where can they be more useful? But we want just such a fleet as the fisheries will enable us to keep up, and without which we shall be for ever exposed, a burden to our allies, and incapable of the necessary defense. The strength of America, on account of her vast extent, cannot be collected by land; but since experience has taught us to sail, and nature has put the means in our power, we ought in time to make provision for a navy, as the cheapest, safest,

best, and most effectual security we can hereafter depend on.

Having in my first and second publications endeavored to establish the right of America to the fisheries, and in this treated of their vast importance, I shall conclude with some remarks on the subject, as it is now said to stand in Congress, or rather the form in which it is thrown out to the public.

AMERICANUS says (and I ask not how he came by his knowledge) that the question is, "Whether the insisting on an explicit acknowledgment of that right (meaning the right of fishing on the Banks of Newfoundland) is either *safe, prudent or politic.*"

Before I enter on the discussion of this point, it may not be improper to remark, that some intimations were made to Congress in February by the Minister of France, Mr. Gerard, respecting what the claims of America might be, in case any treaty of peace should be entered on with the enemy. And from this, with some account of the general disposition of the powers of Europe, the mighty buzz of peace took its rise, and several who ought to have known better, were whispering wonderful secrets at almost every tea table.

It was a matter very *early* supposed by those

who had any clear judgment, that Spain would not immediately join in the war, but would lie by as a mediatorial power. If she succeeded therein, the consequence would be peace; if she failed, she would then be perfectly at liberty to fulfil her engagements with France, etc.

Now in order to enable Spain to act this part, it was necessary that the claims of Congress in behalf of America should be made known *to their own Plenipotentiary at Paris, Dr. Franklin,* with such instructions, public or private, as might be proper to give thereon. But I observe several members, either so little acquainted with political arrangements, or supposing their constituents to be so, that they treat with Mr. Gerard as if that gentleman was *our* Minister, instead of the Minister of his Most Christian Majesty, and *his* name is brought in to a variety of business to which it has no proper reference. This remark may to some appear rather severe, but it is a necessary one. It is not every member of Congress who acts as if he felt the true importance of his character, or the dignity of the country he acts for. And we seem in some instances to forget, that as France is the great ally of America, so America is the great ally of France.

It may now be necessary to mention, that no

instructions are yet gone to Dr. Franklin as a line for negotiation, and the reason is because none are agreed on. The reason why they are *not* agreed on is another point. But had the gentlemen who are for leaving the fisheries out agreed to have had them put in, instructions might have been sent more than four months ago; and if not exactly convenient, might by this time have been returned and reconsidered. On whose side then does the fault lie?

I profess myself an advocate, out of doors, for clearly, absolutely, and unequivocally ascertaining the right of the states to fish on the Banks of Newfoundland, as one of the first and most necessary articles. The right and title of the states thereto I have endeavored to show. The importance of these fisheries I have endeavored to prove. What reason then can be given why they should be omitted?

The seeds of almost every former war have been sown in the injudicious or defective terms of the preceding peace. Either the conqueror has insisted on too much, and thereby held the conquered, like an over-bent bow, in a continual struggle to snap the cord, or the latter has artfully introduced an equivocal article, to take such advantages under as the turn of future affairs

might afford. We have only to consult our own feelings, and each man may from thence learn the spring of all national policy. And he, who does not this, may be fortunate enough to effect a temporary measure, but never will, unless by accident, accomplish a lasting one.

Perhaps the fittest condition any countries can be in to make a peace, calculated for duration, is when neither is conquered, and both are tired. The first of these suits England and America. I put England first in this case, because she began the war. And as she must be and *is* convinced of the impossibility of conquering America, and as America has no romantic ideas of extending her conquests to England, the object on the part of England is lost, and on the part of America is so far secure, that, unless she unwisely conquers herself, she is certain of not being conquered; and this being the case, there is no visible object to prevent the opening a negotiation. But how far England is disposed thereto is a matter wholly unknown, and much to be doubted.

A movement toward a negotiation, and a disposition to enter into it, are very distinct things. The first is often made, as an army affects to retreat, in order to throw an enemy off

his guard. To prevent which, the most vigorous preparations ought to be made for war at the very instant of negotiating for a peace.

Let America make these preparations, and she may send her terms and claims whenever she pleases, without any apprehension of appearing or acting out of character. Those preparations relate now more to revenue than to force, and that being wholly and immediately within the compass of our own abilities, requires nothing but our consent to accomplish.*

To leave the fisheries wholly out, on any pretense whatever, is to sow the seeds of another war; and I will be content to have the name of an idiot engraven for an epitaph, if it does not produce that effect. The difficulties which are now given will become a soil for those seeds to grow in, and future circumstances will quicken their vegeta-

* A plan has been proposed, and all who are judges have approved it, for stopping the emissions [of paper money] and raising a revenue, by subscription for three years without interest, and in lieu thereof to take every subscriber's taxes out of his subscription, and the balance at the expiration of that time to be returned. If the states universally go into this measure, they will acquire a degree of strength and ability fitted either for peace or war. It is, I am clearly convinced, the best measure they can adopt, the best interest they can have, and the best security they can hold. In short, it is carrying on or providing against war without expense, because the remaining money in the country, after the subscriptions are made, will be equal in value to the whole they now hold. Boston has proposed the same measure.

tion. Nations are very fond of appealing to treaties when it suits their purpose, and tho' America might afterwards assign her *unquestioned* right as a reason for her silence, yet all must know that treaties are never to be explained by presumption, but wholly by what is put in, and never by what is left out.

There has not yet been an argument given for omitting the fisheries, but what might have been given as a stronger reason to the contrary. All which has been advanced rests only on supposition, and that failing, leaves them no foundation. They suppose Britain will not hereafter interrupt the right; but the case is, they have no right to that supposition; and it may likewise be parried by saying—suppose she should? Now the matter, as I conceive it, stands thus—

If the right to the states to fish on the Banks of Newfoundland be made and consented to as an article in a treaty with Britain, it of consequence becomes expressly guaranteed by the eleventh article of the present treaty of alliance with France; but if it be left out in a treaty with the former, it is not then guaranteed in the present treaty with the latter, because the guaranteeing is limited to "the whole of their (our) possessions, as the same shall be fixed and assured

to the said states at *the moment of the cessation of their present war with England.*" Art. II.

Were the states to claim, as a memorial to be recorded with themselves, an exclusive right to those fisheries, as a matter of right *only,* derived from natural situation, and to propose to their allies to guarantee to them expressly so much of that right as we may have occasion to use, and the states to guarantee to such allies such portions of the fisheries as they possessed by the last treaty of peace, there might be some pretense for not touching on the subject in a treaty with Britain; because, after the conclusion of the war, she would hardly venture to interrupt the states in a right, which, tho' not described in a treaty with her, should be powerfully guaranteed in a treaty with others. But to omit it wholly in one treaty, and to leave it unguaranteed in another, and to trust it entirely, as the phrase is, to the chapter of accidents, is too loose, too impolitic a mode of conducting national business.

Had nothing, says AMERICANUS, been said on the subject of the fisheries, our fishermen, on the peace, might have returned to their old stations without interruption.

Is this talking like an American politician, or a seducing emissary? Who authorized AMERI-

CANUS to intimate such an assurance; or how came he to know what the British Ministry would or would not hereafter do; or how can he be certain they have told him truth? If it be supposition only, he has, as I before remarked, no right to make it; and if it be more than supposition, it must be the effect of secret correspondence. In the first of these cases he is foolish; in the second worse. Does he not see that the fisheries are not expressly and only conditionally guaranteed, and that if in such a situation they be omitted in a treaty with Britain, and she should afterwards interrupt our right, that the states stand single in the question, and have no right on the face of the present treaties to call on their allies for assistance? And yet this man is persuading us to say nothing about them.

AMERICANUS like some others is mightily fond of amusing his readers with *"the law of nations,"* just as if there really was such a law, fixed and known like the law of the ten commandments. Whereas the law of nations is in theory the law of treaties compounded with customary usage, and in practise just what they can get and keep till it be taken from them. It is a term without any regular defined meaning, and as in some instances we have invented the thing first and given the

name afterwards, so in this we have invented the name and the thing is yet to be made.

Some gentlemen say, leave the fisheries to be settled afterwards in a treaty of commerce. This is really beginning business at the wrong end. For a treaty of peace cannot *precede* the settlement of disputes, but proceeds in consequence of all controverted points respecting right and dominion being adjusted and agreed on. There is one kind of treaty of commerce which may follow a treaty of peace, but that respects such articles only and the mode of trafficking with them as are produced within, or imported into the known and described dominions of the parties; or to the rules of exchange, or paying or recovering debts, but never to the dominion itself; and comes more properly within the province of a consul than the superior contracting powers.

With these remarks I shall, for the present, close the subject. It is a new one, and I have endeavored to give it as systematical an investigation as the short time allowed and the other business I have on hand will admit of. How the affair stands in Congress, or how the cast of the House is on the question, I have, for several reasons, not inquired into; neither have I conversed with any gentleman of that body on the subject.

They have their opinion and I mine; and as I choose to think my own reasons and write my own thoughts, I feel the more free the less I consult.

Who the writer of AMERICANUS is I am not informed. I never said or ever believed it to be Mr. Gouverneur Morris, or replied to it upon that supposition. The manner is not his, neither do I know that the principles are, and as that gentleman has disavowed it, the assurance is sufficient. I have likewise heard it supposed that Mr. Deane is the author, and that his friend Mr. Langworthy carried it to the press. But I know not who the author is. I have replied to the piece rather than to the man; tho' for the sake of relief to the reader and amusement to myself, he now and then comes in for a stroke.

COMMON SENSE.

Philadelphia, July 17, 1779.

THE AMERICAN PHILOSOPHICAL SOCIETY

An Act for incorporating the American Philosophical Society, held at Philadelphia for promoting useful knowledge, February 14, 1780

WHEREAS the cultivation of useful knowledge, and the advancement of the liberal Arts and Sciences in any country, have the most direct tendency toward the improvement of agriculture, the enlargement of trade, the ease and comfort of life, the ornament of society, and the ease and happiness of mankind. And whereas this country of North America, which the goodness of Providence hath given us to inherit, from the vastness of its extent, the variety of its climate, the fertility of its soil, the yet unexplored treasures of its bowels, the multitude of its rivers, lakes, bays, inlets, and other conveniences of navigation, offers to these United States one of the richest subjects of cultivation, ever presented to any people upon earth. And whereas the experience of ages shows that improvements of a public nature are best carried on zy societies of liberal and ingenious men, uniting their labors without regard to nation, sect, or

party, in one grand pursuit, alike interesting to all, whereby mutual prejudices are worn off, a humane and philosophical Spirit is cherished, and youth is stimulated to a laudable diligence and emulation in the pursuit of Wisdom.

And whereas, upon these Principles, divers public-spirited gentlemen of Pennsylvania and other American States did heretofore Unite Themselves, under certain regulations into one voluntary Society, by the name of "The American Philosophical Society, held at Philadelphia for Promoting Useful Knowledge," and by their successful labors and investigations, to the great credit of America, have extended their reputation so far, that men of the first eminence in the republic of letters in the most civilized nations of Europe have done honor to their publications, and desired to be enrolled among their Members: And whereas the said Society, after having been long interrupted in their laudable pursuits by the calamities of war, and the distresses of our country, have found means to revive their design, in hopes of being able to prosecute the same with their former success, and of being further encouraged therein by the public, for which purpose they have prayed us, "the Representatives of the Freemen of the Commonwealth of Penn-

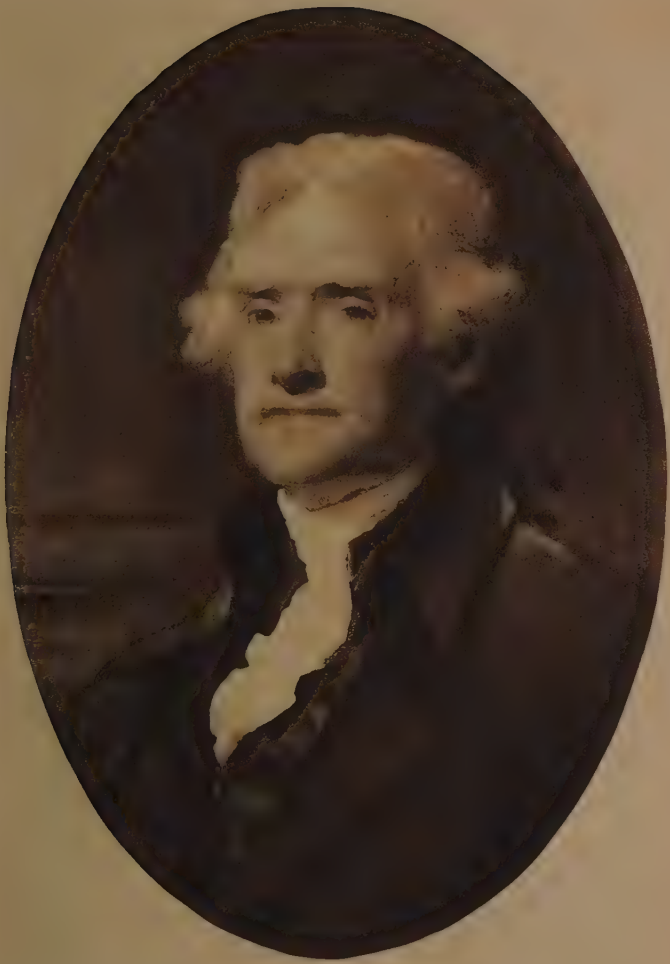
sylvania, that they may be created One Body Politic and Corporate forever, with such powers, and privileges, and immunities as may be necessary for answering the valuable purposes which the said Society had originally in view."

Wherefore, in order to encourage the said Society in the prosecution and advancement of all useful branches of knowledge, for the benefit of their Country and Mankind, Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That the members of the said Philosophical Society, heretofore voluntarily associated for promoting useful knowledge, and such other persons as have been duly elected Members and Officers of the same, agreeably to the fundamental laws and regulations of the said Society, comprised in twelve sections, prefixed to their first Volume of Transactions, published in Philadelphia, and such other laws and regulations as shall hereafter be duly made and enacted by the Society, according to the tenor hereof, be and for ever hereafter shall be, One Body Corporate and Politic in Deed, by the name and style of "The American Philosophical Society held at Philadelphia, for promoting useful knowledge."

And whereas—Nations truly civilized (however unhappily at variance on other accounts) will never wage war with the Arts and Sciences, and the Common Interests of Humanity; Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Society, by their proper officers, at all times, whether in peace or war, to correspond with learned societies, as well as individual learned men, of any nation or country; upon matters merely belonging to the business of the said Societies, such as the mutual communication of their discoveries and proceedings in philosophy and science; the procuring Books, Apparatus, Natural Curiosities, and such other articles and intelligence as are usually exchanged between learned bodies, for furthering their common pursuits: Provided always, That such correspondence of the said Society be at all times open to the inspection of the supreme Executive Council of this Commonwealth, etc.

THOMAS JEFFERSON

Photogravure from the Original Painting by Gilbert Stuart in Bowdoin College



EMANCIPATION OF SLAVES

PREAMBLE TO THE ACT PASSED BY THE PENNSYLVANIA ASSEMBLY MARCH 1, 1780

1 WHEN we contemplate our abhorrence of that condition, to which the arms and tyranny of Great Britain were exerted to reduce us, when we look back on the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied, and our deliverances wrought, when even hope and human fortitude have become unequal to the conflict, we are unavoidably led to a serious and grateful sense of the manifold blessings, which we have undeservedly received from the hand of that Being, from whom every good and perfect gift cometh.

Impressed with these ideas, we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others, which hath been extended to us, and release them from the state of thralldom, to which we ourselves were tyrannically doomed, and from which we have now every prospect of being delivered. It is not for us to inquire why, in the creation of mankind, the inhabitants of the several

parts of the earth were distinguished by a difference in feature or complexion. It is sufficient to know that all are the work of the Almighty Hand. We find in the distribution of the human species, that the most fertile as well as the most barren parts of the earth are inhabited by men of complexions different from ours, and from each other; from whence we may reasonably as well as religiously infer, that He, who placed them in their various situations, hath extended equally His care and protection to all, and that it becometh not us to counteract His mercies.

We esteem it a peculiar blessing granted to us, that we are enabled this day to add one more step to universal civilization, by removing, as much as possible, the sorrows of those who have lived in undeserved bondage, and from which, by the assumed authority of the Kings of Great Britain, no effectual legal relief could be obtained. Weaned, by a long course of experience, from those narrow prejudices and partialities we had imbibed, we find our hearts enlarged with kindness and benevolence toward men of all conditions and nations; and we conceive ourselves at this particular period particularly called upon by the blessings which we have received, to manifest

the sincerity of our profession, and to give a substantial proof of our gratitude.

2. And whereas the condition of those persons, who have heretofore been denominated negro and mulatto slaves, has been attended with circumstances, which not only deprived them of the common blessings that they were by nature entitled to, but has cast them into the deepest afflictions, by an unnatural separation and sale of husband and wife from each other and from their children, an injury, the greatness of which can only be conceived by supposing that we were in the same unhappy case. In justice, therefore, to persons so unhappily circumstanced, and who, having no prospect before them whereon they may rest their sorrows and their hopes, have no reasonable inducement to render their services to society, which they otherwise might, and also in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain,

3. *Be it enacted,* etc.

PUBLIC GOOD*

(Philadelphia, December 30, 1780)

PREFACE

THE following pages are on a subject hitherto little understood but highly interesting to the United States.

They contain an investigation of the claims of Virginia to the vacant western territory, and of the right of the United States to the same; with some outlines of a plan for laying out a new state, to be applied as a fund, for carrying on the war, or redeeming the national debt.

The reader, in the course of this publication, will find it studiously plain, and, as far as I can judge, perfectly candid. What materials I could get at I have endeavored to place in a clear line, and deduce such arguments therefrom as the subject required. In the prosecution of it, I have considered myself as an advocate for the right of the states, and taken no other liberty with the sub-

* This pamphlet was published with the following title: "Public Good: Being an Examination into the Claims of Virginia to the Vacant Western Territory, and of the Right of the United States to the Same: to Which is Added Proposals for Laying off a New State, to be Applied as a Fund for Carrying on the War, or Redeeming the National Debt."—*Ed.*

ject than what a counsel would, and ought to do, in behalf of a client.

I freely confess that the respect I had conceived, and still preserve, for the character of Virginia, was a constant check upon those sallies of imagination, which are fairly and advantageously indulged against an enemy, but ungenerous when against a friend.

If there is anything I have omitted or mistaken, to the injury of the intentions of Virginia or her claims, I shall gladly rectify it, or if there is anything yet to add, should the subject require it, I shall as cheerfully undertake it; being fully convinced, that to have matters fairly discussed, and properly understood, is a principal means of preserving harmony and perpetuating friendship.

THE AUTHOR.

PUBLIC GOOD

When we take into view the mutual happiness and united interests of the states of America, and consider the vast consequences to arise from a strict attention of each, and of all, to everything which is just, reasonable, and honorable; or the evils that will follow from an inattention to those principles; there cannot, and ought not, to remain a doubt but the governing rule of right and of mutual good must in all public cases finally preside.

The hand of Providence has cast us into one common lot, and accomplished the independence of America, by the unanimous consent of the several parts, concurring at once in time, manner and circumstances. No superiority of interest, at the expense of the rest, induced the one, more than the other, into the measure. Virginia and Maryland, it is true, might foresee that their staple commodity, tobacco, by being no longer monopolized by Britain, would bring them a better price abroad: for as the tax on it in England was treble its first purchase from the planter, and they being now no longer compelled to send it under that obligation, and in the restricted

manner they formerly were, it is easy to see that the article, from the alteration of the circumstances of trade, will, and daily does, turn out to them with additional advantages.

But this being a natural consequence, produced by that common freedom and independence of which all are partakers, is therefore an advantage they are entitled to, and on which the rest of the states can congratulate them without feeling a wish to lessen, but rather to extend it. To contribute to the increased prosperity of another, by the same means which occasion our own, is an agreeable reflection; and the more valuable any article of export becomes, the more riches will be introduced into and spread over the continent.

Yet this is an advantage which those two states derive from the independence of America, superior to the local circumstances of the rest; and of the two it more particularly belongs to Virginia than Maryland, because the staple commodity of a considerable part of Maryland is flour, which, as it is an article that is the growth of Europe as well as of America, cannot obtain a foreign market but by underselling, or at least by limiting it to the current price abroad. But tobacco commands its own price. It is not a

plant of almost universal growth, like wheat. There are but few soils and climes that produce it to advantage, and before the cultivation of it in Virginia and Maryland, the price was from four to sixteen shillings sterling a pound in England.*

But the condition of the vacant western territory of America makes a very different case to that of the circumstances of trade in any of the states. Those very lands, formed, in contemplation, the fund by which the debt of America would in the course of years be redeemed. They were considered as the common right of all; and it is only till lately that any pretension of claim has been made to the contrary.

That difficulties and differences will arise in communities, ought always to be looked for. The opposition of interests, real or supposed, the variety of judgments, the contrariety of temper, and, in short, the whole composition of man, in his individual capacity, is tinctured with a disposition to contend; but in his social capacity there is either a right, which, being proved, terminates the dispute, or a reasonableness in the measure,

* See Sir Dalby Thomas's "Historical Account of the rise and growth of the West India Colonies."

where no direct right can be made out, which decides or compromises the matter.

As I shall have frequent occasion to mention the word *right,* I wish to be clearly understood in my definition of it. There are various senses in which this term is used, and custom has, in many of them, afforded it an introduction contrary to its true meaning. We are so naturally inclined to give the utmost degree of force to our own case, that we call every pretension, however founded, *a right;* and by this means the term frequently stands opposed to justice and reason.

After Theodore was elected King of Corsica, not many years ago, by the mere choice of the natives, for their own convenience in opposing the Genoese, he went over to England, run himself in debt, got himself into jail, and on his release therefrom, by the benefit of an act of insolvency, he surrendered up what he called *his* kingdom of Corsica, as a part of his personal property, for the use of his creditors; some of whom may hereafter call this a charter, or by any other name more fashionable, and ground thereon what they may term a right to the sovereignty and property of Corsica. But does not justice abhor such an action both in him and

them, under the prostituted name of a *right,* and must not laughter be excited wherever it is told?

A right, to be truly so, must be right within itself: yet many things have obtained the name of rights, which are originally founded in wrong. Of this kind are all rights by mere conquest, power or violence. In the cool moments of reflection we are obliged to allow, that the mode by which such a right is obtained, is not the best suited to that spirit of universal justice which ought to preside equally over all mankind. There is something in the establishment of such a right, that we wish to slip over as easily as possible, and say as little about as can be. But in the case of a *right founded in right,* the mind is carried cheerfully into the subject, feels no compunction, suffers no distress, subjects its sensations to no violence, nor sees anything in its way which requires an artificial smoothing.

From this introduction I proceed to examine into the claims of Virginia; first, as to the right, secondly as to the reasonableness, and lastly, as to the consequences.

The name, *Virginia,* originally bore a different meaning to what it does now. It stood in the place of the word North America, and seems to have been a name comprehensive of all the Eng-

lish settlements or colonies on the continent, and not descriptive of any one as distinguished from the rest. All to the southward of the Chesapeake, as low as the Gulf of Mexico, was called South Virginia, and all to the northward, North Virginia, in a similar line of distinction, as we now call the whole continent North and South America.*

The first charter, or patent, was to Sir Walter Raleigh by Queen Elizabeth, of England, in the year 1583, and had neither name nor bounds. Upon Sir Walter's return, the name *Virginia* was given to the whole country, including the now United States. Consequently the present Virginia, either as a province or state, can set up no exclusive claim to the western territory under this patent, and that for two reasons: first, because the words of the patent run *to Sir Walter Raleigh, and such persons as he should nominate, themselves and their successors;* which is a line of succession Virginia does not pretend to stand in; and secondly, because a prior question would arise, namely, who are to be understood by Virginians under this patent? and the answer would be, all the inhabitants of America, from New-England to Florida.

* Oldmixon's "History of Virginia."

This patent, therefore, would destroy their exclusive claim, and invest the right collectively in the thirteen states.

But it unfortunately happened, that the settlers under this patent, partly from misconduct, the opposition of the Indians, and other calamities, discontinued the process, and the patent became extinct.

After this, James I, who, in the year 1602, succeeded Elizabeth, issued a new patent, which I come next to describe.

This patent differed from the former in this essential point, that it had limits, whereas the other had none: the former was intended to promote discoveries wherever they could be made, which accounts why no limits were affixed, and this to settle discoveries already made, which likewise assigns a reason why limits should be described.

In this patent were incorporated two companies, called the South Virginia Company, and the North Virginia Company, and sometimes the London Company, and the Plymouth Company.

The South Virginia or London Company was composed chiefly of London adventurers; the North Virginia or Plymouth Company was made up of adventurers from Plymouth in Dev-

onshire and other persons of the western part of England.

Though they were not to fix together, yet they were allowed to choose their places of settlement anywhere on the coast of America, then called Virginia, between the latitudes of 34 and 45 degrees, which was a range of 760 miles: the South Company was not to go below 34 degrees, nor the North Company above 45 degrees. But the patent expressed, that as soon as they had made their choice, each was to become limited to 50 miles each way on the coast, and 100 up the country; so that the grant to each country was a square of 100 miles, and no more. The North Virginia or Plymouth Company settled to the eastward, and in the year 1614, changed the name, and called that part New England. The South Virginia or London Company settled near Cape Henry.

This then cannot be the patent of boundless extent, and that for two reasons: first, because the limits are described, namely, a square of 100 miles; and secondly, because there were two companies of equal rights included in the same patent.

Three years after this, that is, in the year 1609, the South Virginia Company applied for

new powers from the Crown of England, which were granted them in a new patent, and the boundaries of the grant enlarged; and this is the charter, or patent, on which some of the present Virginians ground their pretension to boundless territory.

The first reflection that presents itself on this enlargement of the grant is, that it must be supposed to bear some intended degree of reasonable comparison to that which it superseded. The former could not be greater than a square of one hundred miles; and this new one being granted in lieu of that, and that within the space of three years, and by the same person, James I, who was never famed either for profusion or generosity, cannot, on a review of the time and circumstances of the grant, be supposed a very extravagant or very extraordinary one. If a square of one hundred miles was not sufficiently large, twice that quantity was as much as could well be expected or solicited; but to suppose that he, who had caution enough to confine the first grant within moderate bounds, should, in so short a space as three years, supersede it by another grant of many million times greater extent, is on the face of the affair, a circumstantial nullity.

Whether this patent, or charter, was in exist-

ence or not at the time the Revolution commenced, is a matter I shall hereafter speak to, and confine myself in this place to the limits which the said patent or charter lays down. The words are as follow:

> Beginning at the cape or point of land called Cape or Point Comfort, thence all along the seacoast to the NORTHWARD 200 miles, and from the said Point or Cape Comfort, all along the seacoast to the *southward*, 200 miles; and all that space or circuit of land lying from the seacoast of the precinct aforesaid up into the land throughout, from sea to sea, WEST and *northwest*.

The first remark I shall offer on the words of this grant is, that they are uncertain, obscure, and unintelligible, and may be construed into such a variety of contradictory meanings as to leave at last no meaning at all.

Whether the two hundred miles each way from Cape Comfort, were to be on a *straight* line, or ascertained by following the indented *line of the coast,* that is, *"all along the seacoast,"* in and out as the coast lay, cannot now be fully determined; because, as either will admit of supposition, and nothing but supposition can be produced, therefore neither can be taken as positive. Thus far may be said, that had it been intended to be a straight line, the word *straight* ought to

have been inserted, which would have made the matter clear; but as no inference can be well drawn to the advantage of that which does *not appear,* against that which *does,* therefore the omission implies negatively in favor of the coast-indented line, or that the 400 miles were to be traced on the windings of the coast, that is *"all along the seacoast."*

But what is meant by the words *"west and northwest"* is still more unintelligible. Whether they mean a west line and a northwest line, or whether they apply to the general lying of the land from the Atlantic, without regard to lines, cannot again be determined. But if they are supposed to mean lines to be run, then a new difficulty of more magnitude than all the rest arises; namely, from which end of the extent on the coast is the west line and the northwest line to be set off? As the difference in the contents of the grant, occasioned by transposing them, is many hundred millions of acres; and either includes or excludes a far greater quantity of land than the whole thirteen United States contain.

In short, there is not a boundary in this grant that is clear, fixed and defined. The coast line is uncertain, and that being the base on which the others are to be formed, renders the whole un-

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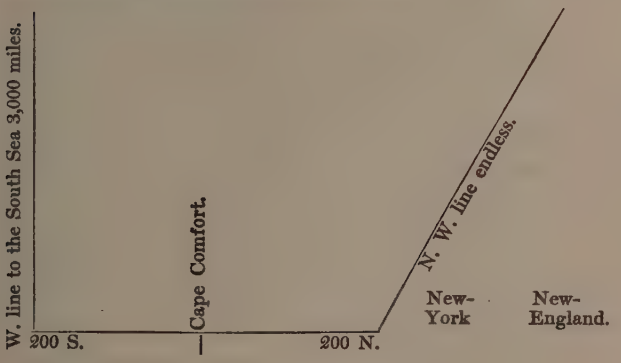
certain. But even if this line was admitted, in either shape, the other boundaries would still be on supposition, till it might be said there is no boundary at all, and consequently no charter; for words which describe nothing can give nothing.

The advocates for the Virginia claim, laying hold of these ambiguities, have explained the grant thus:

Four hundred miles on the sea-coast, and from the south point a west line to the great South Sea, and from the north point a northwest line to the said South Sea. The figure which these lines produce will be thus:



But why, I ask, must the west land line be set off from the south point, any more than the north point? The grant or patent does not say

from which it shall be, neither is it clear that a line is the thing intended by the words: but admitting that it is, on what grounds do the claimants proceed in making this choice? The answer, I presume, is easily given, namely, because it is the most beneficial explanation to themselves they can possibly make; as it takes in many thousand times more extent of country than any other explanation would. But this, though it be a very good reason to them, is a very bad reason to us; and though it may do for the claimants to hope upon, will not answer to plead upon; especially to the very people, who, to confirm the partiality of the claimants' choice, must relinquish their own right and interest.

Why not set off the west land line from the north end of the coast line, and the northwest line from the south end of the same? There is some reason why this should be the construction, and none why the other should.

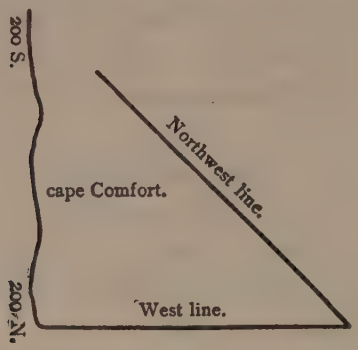
1st, Because if the line of two hundred miles each way from Cape Comfort, be traced by following the indented line of the coast, which seems to be the implied intention of the words, and a west line set off from the north end, and a northwest line from the south end, these lines will all unite (which the other construction never can)

and form a complete triangle, the contents of which will be about twenty-nine or thirty millions of acres, or something larger than Pennsylvania; and

2d, Because this construction is following the order of the lines expressed in the grant; for the *first* mentioned *coast* line, which is to the *northward* of Cape Comfort, and the *first* mentioned *land* line, which is the *west* line, have a numerical relation, being the first mentioned of each; and implies, that the west line was to be set off from the *north* point and *not* from the south point; and consequently the *two last* mentioned of each have the same numerical relation, and again implies that the *northwest* line was to be set off from the *south* point, and not from the *north* point. But why the claimants should break through the order of the lines, and contrary to implication, join the *first* mentioned of the *one,* to the last mentioned of the other, and thereby produce a shapeless monster, for which there is no name nor any parallel in the world, either as to extent of soil and sovereignty, is a construction that cannot be supported.

The figure produced by following the order of the lines is as follows * :

* N. B. If the reader will cast his eye again over the words of



I presume that if 400 miles be traced by following the inflexes of any seashore, that the two extremes will not be more than 300 miles distant from each other, on a straight line. Therefore, to find the contents of a triangle, whose base is 300 miles, multiply the length of the base into half the perpendicular, which, in this case, is the west line, and the product will be the answer:

300 miles, length of the base.
150 half the perpendicular (supposing it a right-angled triangle).

15000
300

45,000 contents of the grant in square miles.
640 acres in a square mile.

1800000
270000

28,800,000 contents in square acres.

the patent on p. 38, [pamphlet edition] he will perceive the numerical relation alluded to, by observing, that the first mentioned coast line and the first mentioned land line are distinguished by CAPITALS. And the last mentioned of each by *italics*, which I have chosen to do to illustrate the explanation.

Nor will anyone undertake to say, that this explanation is not as fairly drawn (if not more so) from the words themselves, as any other that can be offered? Because it is not only justified by the exact words of the patent, grant, or charter, or any other name by which it may be called, but by their implied meaning; and is likewise of such contents as may be supposed to have been intended; whereas the claimants' explanation is without bounds, and beyond everything that is reasonable. Yet, after all, who can say what was the precise meaning of terms and expressions so loosely formed, and capable of such a variety of contradictory interpretations?

Had the order of the lines been otherwise than they are in the patent, the reasonableness of the thing must have directed the manner in which they should be connected: but as the claim is founded in unreasonableness, and that unreasonableness endeavored to be supported by a transposition of the lines, there remains no pretense for the claim to stand on.

Perhaps those who are interested in the claimants' explanation will say that as the South Sea is spoken of, the lines must be as they explain them, in order to reach it.

To this I reply; first, that no man then knew

how far it was from the Atlantic to the South Sea, as I shall presently show, but believed it to be but a short distance: and,

Secondly, that the uncertain and ambiguous manner in which the South Sea is alluded to (for it is not mentioned by name, but only *"from sea to sea"*) serves to perplex the patent, and not to explain it; and as no right can be founded on an ambiguity, but on some proof cleared of ambiguity, therefore the allusive introduction of "from sea to sea" can yield no service to the claim.

There is likewise an ambiguous mention made of *two lands* in this patent, as well as of two *seas; viz.* and all that *"space or circuit of land* lying from the seacoast of the precinct aforesaid up into the *land throughout from sea to sea."*

On which I remark, that the two lands here mentioned have the appearance of a major and a minor, or the greater out of which the less is to be taken: and the term from *"sea to sea"* may be said to apply descriptively to the *land throughout* and not to the *space or circuit of land patented to the company"*; in a similar manner that a former patent described a major of 706 miles in extent, out of which the minor, or square of one hundred miles, was to be chosen.

But to suppose that because the South Sea is darkly alluded to, it must therefore (at whatever distance it might be, which then nobody knew, or for whatever purpose it might be introduced) be made a certain boundary, and that without regard to the reasonableness of the matter, or the order in which the lines are arranged, which is the only implication the patent gives for setting off the land lines, is a supposition that contradicts everything which is reasonable.

The figure produced by following the order of the lines will be complete in itself, let the distance to the South Sea be more or less; because, if the *land throughout from sea to sea* had not been sufficiently extensive to admit the west land line and the northwest land line to close, the South Sea, in that case, would have eventually become a boundary; but if the extent of the *land throughout from sea to sea,* was so great that the lines closed without reaching the said South Sea, the figure was complete without it.

Wherefore, as the order of the lines, when raised on the indented coast line, produces a regular figure of reasonable dimensions, and of about the same contents, though not of the same shape, which Virginia now holds within the Alleghany Mountains; and by transposing them, an-

other figure is produced, for which there is no name, and cannot be completed, as I shall presently explain, and of an extent greater than one half of Europe, it is needless to offer any other arguments to show that the order of the lines must be the rule, if any rule can be drawn from the words, for ascertaining from which point the west line and northwest line were to be set off.

Neither is it possible to suppose any other rule could be followed; because a northwest line set off two hundred miles above Cape Comfort, would not only never touch the South Sea, but would form a spiral line of infinite windings round the globe, and after passing over the northern parts of America and the frozen ocean, and then into the northern parts of Asia, would, when eternity should end, and not before, terminate in the North Pole.

This is the only manner in which I can express the effect of a northwest line, set off as above; because as its direction must always be between the North and the West, it consequently can never get into the Pole nor yet come to a rest, and on the principle that matter or space is capable of being eternally divided, must proceed on forever.

But it was a prevailing opinion, at the time

this patent was obtained, that the South Sea was at no great distance from the Atlantic, and therefore it was needless, under that supposition, to regard which way the lines should be run; neither need we wonder at this error in the English Government respecting America then, when we see so many and such glaring ones now, for which there is much less excuse.

Some circumstances favored this mistake. Admiral Sir Francis Drake, not long before this, had, from the top of a mountain in the Isthmus of Darien, which is the center of North and South America, seen both the South Sea and the Atlantic, the width of the part of the continent where he then was, not being above 70 miles; whereas its width opposite Chesapeake Bay is as great, if not greater, than in any other part, being from *sea to sea* about the distance it is from America to England. But this could not then be known, because only two voyages had been made across the South Sea; the one by the ship in which Magellan sailed, who died on his passage, and which was the first ship which sailed around the world, and the other by Sir Francis Drake; but as neither of these sailed into a northern latitude in that ocean, high enough to fix the longitude of the Western coast of America from

the Eastern, the distance across was entirely on supposition, and the errors they then ran into appear laughable to us who now know what the distance is.

That the Company expected to come at the South Sea without much trouble or traveling, and that the great body of land which intervened, so far from being their view in obtaining the charter, became their disappointment, may be collected from a circumstance mentioned in Stith's "History of Virginia."

He relates, that in the year 1608, which was at the time the Company were soliciting this patent, they fitted up in England "a barge for Captain Newport, (who was afterwards one of the joint deputy governors under the very charter we are now treating of), which, for convenience of carriage, might be taken into five pieces, and with which he and his company were instructed to go up James River as far as the falls thereof, to discover the country of the Monakins, and from thence they were to proceed, *carrying their barge beyond the falls to convey them to the South Sea;* being ordered not to return without a lump of gold, or a certainty of the said sea." And Hutchinson, in his history of New England, which was called North Virginia at the time

this patent was obtained, says "the geography of this part of America was less understood than at present. A line to the Spanish settlements was imagined to be much shorter than it really was. Some of Champlain's people in the beginning of the last century, who had been but a few days' march from Quebec, returned with great joy, supposing that from the top of a high mountain, they had discovered *the South Sea.*"

From these matters, which are evidences on record, it appears that the adventurers had no knowledge of the distance it was to the South Sea, but supposed it to be no great way from the Atlantic; and also that great extent of territory was not their object, but a short communication with the southern ocean, by which they might get into the neighborhood of the Gold Coast, and likewise carry on a commerce with the East Indies.

Having thus shown the confused and various interpretations this charter is subject to, and that it may be made to mean anything and nothing; I proceed to show, that, let the limits of it be more or less, the present state of Virginia does not, and cannot, as a matter of right, inherit under it.

I shall open this part of the subject by putting the following case:

Either Virginia stands in succession to the London Company, to whom the charter was granted, or to the Crown of England. If to the London Company, then it becomes her, as an outset in the matter, to show who they were, and likewise that they were in possession to the commencement of the Revolution. If to the Crown, then the charter is of consequence superseded; because the Crown did not possess territories by charter, but by prerogative without charter. The notion of the Crown chartering to itself is a nullity; and in this case, the unpossessed lands, be they little or much, are in the same condition as if they had never been chartered at all; and the sovereignty of them devolves to the sovereignty of the United States.

The charter or patent of 1609, as well as that of 1606, was to Sir Thomas Gates, Sir George Summers, the Rev. Richard Hacluit, Prebend of Westminster, and others; and the government was then proprietary. These proprietors, by virtue of the charter of 1609, chose Lord Delaware for their governor, and Sir Thomas Gates, Sir George Summers, and Captain Newport, (the person who was to go with a boat to the South

Sea), joint deputy governors. Was this the form of government either as to soil or constitution at the time the present Revolution commenced? If not, the charter was not *in being;* for it matters not to us how it came to be *out of being,* so long as the present Virginians, or their ancestors, neither are, nor were sufferers by the change then made.

But suppose it could not be proved to be in being, which it cannot, because *being,* in a charter, is power, it would only prove a right in behalf of the London Company of adventurers; but how that right is to be disposed of is another question. We are not defending the right of the London Company, deceased 150 years ago, but taking up the matter at the place where we found it, and so far as the authority of the Crown of England was exercised when the Revolution commenced. The charter was a contract between the Crown of England and those adventurers for their own emolument, and not between the Crown and the people of Virginia; and whatever was the occasion of the contract becoming void, or surrendered up, or superseded, makes no part of the question now.

It is sufficient that when the United States succeeded to sovereignty they found no such con-

tract in existence, or even in litigation. They found Virginia under the authority of the Crown of England both as to soil and government, subject to quit-rents to the Crown and not to the Company, and had been so for upwards of 150 years: and that an instrument or deed of writing, of a private nature, as all proprietary contracts are, so far as land is concerned, and which is now historically known, and in which Virginia was no party, and to which no succession in any line can be proved, and has ceased for 150 years, should now be raked from oblivion and held up as a charter whereon to assume a right to boundless territory, and that by a perversion of the order of it, is something very singular and extraordinary.

If there was any innovation on the part of the Crown, the contest rested between the Crown and the proprietors, the London Company, and not between Virginia and the said Crown. It was not her charter; it was the Company's charter, and the only parties in the case were the Crown and the Company.

But why, if Virginia contends for the immutability of charters, has she selected this in preference to the two former ones? All her arguments, arising from this principle, must go to the first

charter and not to the last; but by placing them to the last, instead of the first, she admits a fact against her principle; because, in order to establish the last, she proves the first to be vacated by the second in the space of twenty-three years, the second to be vacated by the third in the space of three years; and why the third should not be vacated by the fourth form of government, issuing from the same power with the former two, and which took place about twenty-five years after, and continued in being for one hundred and fifty years since, and under which all her public and private business was transacted, her purchases made, her warrants for survey and patents for land obtained, is too mysterious to account for.

Either the re-assumption of the London Company's charter into the hands of the Crown was an usurpation, or it was not. If it was, then, strictly speaking, is everything which Virginia has done under that usurpation illegal, and she may be said to have lived in the most curious species of rebellion ever known; rebellion against the London Company of adventurers. For if the charter to the Company (for it was not to the Virginians) ought to be in being now, it ought to have been in being then; and why she should admit its vacation then and reject it now, is un-

accountable; or why she should esteem her purchases of land good which were *then* made contrary to this charter, and now contend for the operation of the same charter to possess new territory by, are circumstances which cannot be reconciled.

But whether the charter, as it is called, ought to be extinct or not, cannot make a question with us. All the parties concerned in it are deceased, and no successors, in any regular line of succession, appear to claim. Neither the London Company of adventurers, their heirs or assigns, were in possession of the exercise of this charter at the commencement of the Revolution; and therefore the state of Virginia does not, in point of fact, succeed to and inherit from the Company.

But, say they, we succeed to and inherit from the Crown of England, which was the immediate possessor of the sovereignty at the time we entered, and had been so for one hundred and fifty years.

To say this, is to say there is no charter at all. A charter is an assurance from one party to another, and cannot be from the same party to itself.

But before I enter further on this case, I shall concisely state how this charter came to be

re-assumed by the power which granted it, the Crown of England.

I have already stated that it was a proprietary charter, or grant, to Sir Thomas Gates and others, who were called the London Company, and sometimes the South Virginia Company, to distinguish them from those who settled to the eastward (now New England) and were then called the North Virginia or Plymouth Company.

Oldmixon's "History of Virginia" (in his account of the British Empire in America) published in the year 1708, gives a concise progress of the affair. He attributes it to the misconduct, contentions and mismanagements of the proprietors, and their innovations upon the Indians, which had so exasperated them, that they fell on the settlers, and destroyed at one time three hundred and thirty-four men, women and children.

> Some time after this massacre, (says he), several gentlemen in England procured grants of land from the Company, and others came over on their private accounts to make settlements; among the former was one Captain Martin, who was named to be of the council. This man raised so many differences among them, that new distractions followed, which the Indians observing, took heart, and once more fell upon the settlers on the borders, destroying, without pitying either age, sex, or condition.

These and other calamities being chiefly imputed to the mismanagement of the proprietors, whose losses had so discouraged most of their best members, that they sold their shares, and Charles I., on his accession to the throne, dissolved the Company, and took the colony into his own immediate direction. He appointed the governor and council himself, ordered all patents and processes to issue in his own name, and reserved a quit-rent of two shillings sterling for every hundred acres.

Thus far our author. Now it is impossible for us at this distance of time to say what were all the exact causes of the change; neither have we any business with it. The Company might surrender it, or they might not, or they might forfeit it by not fulfilling conditions, or they might sell it, or the Crown might, as far as we know, take it from them. But what are either of these cases to Virginia, or any other which can be produced? She was not a party in the matter. It was not her charter, neither can she ingraft any right upon it, or suffer any injury under it.

If the charter was vacated, it must have been by the London Company; if it was surrendered, it must be by the same; and if it was sold, nobody else could sell it; and if it was taken from them, nobody else could lose it; and yet Virginia calls this her charter, which it was not within her power to hold, to sell, to vacate, or to lose.

But if she puts her right upon the ground that it never was sold, surrendered, lost, or vacated, by the London Company, she admits that if they *had* sold, surrendered, lost, or vacated it, it would have become extinct, and to her no charter at all. And in this case, the only thing to prove is the fact, which is, has this charter been the rule of government, and of purchasing or procuring unappropriated lands in Virginia, from the time it was granted to the time of the Revolution? Answer—the charter has not been the rule of government, nor of purchasing and procuring lands, neither have any lands been purchased or procured under its sanction or authority for upwards of one hundred and fifty years.

But if she goes a step further, and says, that they could not vacate, surrender, sell, or lose it, by any act they could do, so neither could they vacate, surrender, sell or lose that of 1606, which was three years prior to this: and this argument, so far from establishing the charter of 1609, would destroy it; and in its stead confirm the preceding one, which limited the Company to a square of one hundred miles. And if she still goes back to that of Sir Walter Raleigh, *that* only places her in the light of Americans common with all.

The only fact that can be clearly proved is, that the Crown of England exercised the power of dominion and government in Virginia, and of the disposal of the lands, and that the charter had neither been the rule of government or purchasing land for upwards of one hundred and fifty years, and this places Virginia in succession to the Crown, and not to the Company. Consequently it proves a lapse of the charter into the hands of the Crown by some means or other.

Now to suppose that the charter could return into the hands of the Crown and yet remain in force, is to suppose that a man could be bound by a bond of obligation to himself.

Its very *being* in the hands of the Crown, from which it issued, is a cessation of its existence; and an effectual unchartering all that part of the grant which was not before disposed of. And consequently the state of Virginia, standing thus in succession to the Crown, can be entitled to no more extent of country as a state under the Union, than what it possessed as a province under the Crown. And all lands exterior to these bounds, as well of Virginia as the rest of the states, devolve, in the order of succession, to the sovereignty of the United States for the benefit of all.

And this brings the case to what were the limits of Virginia as a province under the Crown of England.

Charter it had none. Its limits then rested at the discretion of the authority to which it was subject. Maryland and Pennsylvania became its boundary to the eastward and northward, and North Carolina to the southward, therefore the boundary to the westward was the only principal line to be ascertained.

As Virginia, from a proprietary soil and government was become what then bore the name of a royal one, the extent of the province, as the order of things then stood (for something must always be admitted whereon to form a beginning) was wholly at the disposal of the Crown of England, who might enlarge or diminish, or erect new governments to the westward, by the same authoritative right that Virginia now can divide a county into two, if too large, or too inconvenient.

To say, as has been said, that Pennsylvania, Maryland, and North Carolina, were taken out of Virginia, is no more than to say, they were taken out of America; because Virginia was the common name of all the country, North and South; and to say they were taken out of the char-

tered limits of Virginia, is likewise to say nothing; because, after the dissolution or extinction of the proprietary company, there was nobody to whom any provincial limits became chartered. The extinction of the Company was the extinction of the chartered limits. The patent could not survive the Company, because it was to them a right, which, when they expired, ceased to be anybody's else in their stead.

But to return to the western boundary of Virginia at the commencement of the Revolution.

Charters, like proclamations, were the sole act of the Crown, and if the former were adequate to fix limits to the lands which it gave away, sold, or otherwise disposed of, the latter were equally adequate to fix limits or divisions to those which it retained; and therefore, the western limits of Virginia, as the proprietary Company was extinct and consequently the patent with it, must be looked for in the line of proclamations.

I am not fond of quoting these old remains of former arrogance, but as we must begin somewhere, and as the states have agreed to regulate the right of each state to territory, by the condition each stood in with the Crown of England at the commencement of the Revolution, we have

no other rule to go by; and any rule which can be agreed on is better than none.

From the proclamation then of 1763, the western limits of Virginia, as a province under the Crown of England are described so as not to extend beyond the heads of any of the rivers which empty themselves into the Atlantic, and consequently the limits did not pass over the Alleghany Mountains.

The following is an extract from the proclamation of 1763, so far as respects boundary:

And whereas, it is *just* and *reasonable* and *essential to our interest*, and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories, *as, not having been ceded to, or purchased by us, are reserved to them or any of them as their hunting grounds;* we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure that no governor, or commander-in-chief, in any of our colonies of Quebec, East Florida, or West Florida, do presume upon any pretense whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions: as ALSO that no governor or commander-in-chief of our colonies or plantations in America, do presume, for the present, and until our further pleasure be known, to grant warrants of survey or pass patents for any lands *beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean, from the west*

or northwest, or upon any lands whatever, *which not having been ceded to or purchased by us, as aforesaid, are reserved unto the said Indians, or any of them.*

And we do further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve under our sovereignty, protection, and dominion, *for the use of the said Indians, all lands and territories*, not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay Company; as also, *all the lands and territories lying to the westward of the sources of the rivers, which fall into the sea from the west and northwest, as aforesaid;* and we do hereby strictly forbid on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands, *which, not having been ceded to, or purchased by us*, are still reserved to the said Indians, as aforesaid, forthwith to remove themselves from such settlements.

It is easy for us to understand, that the frequent and plausible mention of the Indians was only a pretext to create an idea of the humanity of government. The object and intention of the proclamation was the western boundary, which is here signified not to extend beyond the heads of the rivers: and these, then, are the western limits

which Virginia had as a province under the Crown of Britain.

And agreeable to the intention of this proclamation, and the limits described thereby, Lord Hillsborough, then Secretary of State in England, addressed an official letter, of the thirty-first of July, 1770, to Lord Bottetourt, at that time Governor of Virginia, which letter was laid before the Council of Virginia by Mr. President Nelson, and by him answered on the eighteenth of October, in the same year, of which the following are extracts:

> On the evening of the day Your Lordship's letter to the governor was delivered to me (as it contains matters of great variety and importance) it was read in council, and, together with the several papers inclosed, it hath been maturely considered, and I now trouble Your Lordship with theirs as well as my own opinion upon the subject of them.
>
> We do not presume to say to whom our gracious sovereign shall grant the vacant lands, and with regard to the establishment of a *new colony on the back of Virginia*, it is a subject of too great political importance for me to presume to give an opinion upon; however, permit me, My Lord, to observe, that when that part of the country shall become sufficiently populated it may be a wise and prudent measure.

On the death of Lord Bottetourt, Lord Dunmore was appointed to the government, and he, either from ignorance of the subject or other

motives, made a grant of some lands on the Ohio to certain of his friends and favorites, which produced the following letter from Lord Dartmouth, who succeeded Lord Hillsborough as Secretary of State:

I think fit to inclose Your Lordship a copy of Lord Hillsborough's letter to Lord Bottetourt, of the thirty-first of July, 1770, the receipt of which was acknowledged by Mr. President Nelson, a few days before Lord Bottetourt's death, and appears by his answer to it, to have been laid before the council. That board, therefore, could not be ignorant of what has passed here upon Mr. Walpole's application, nor of the King's express command, contained in Lord Hillsborough's letter, that no lands should be granted beyond the limits of the royal proclamation of 1763, until the King's further pleasure was signified; and I have only to observe, that it must have been a very extraordinary neglect in them not to have informed Your Lordship of that letter and those orders.

On these documents I shall make no remarks. They are their own evidence, and show what the limits of Virginia were while a British province; and as there was then no other authority by which they could be fixed, and as the grant to the London Company could not be a grant to any but themselves, and of consequence ceased to be when they ceased to exist, it remained a matter of choice in the Crown, on its re-assumption of the lands, to limit or divide them into separate governments, as it judged best, and from which

there was not, and could not, in the order of government, be any appeal. Neither was Virginia, as a province, affected by it, because the moneys, in any case, arising from the sale of lands, did not go into her treasury; and whether to the Crown or to the proprietors was to her indifferent. And it is likewise evident, from the secretary's letter, and the president's answer, that it was in contemplation to lay out a new colony on the *back* of Virginia, between the Alleghany Mountains and the Ohio.

Having thus gone through the several charters, or grants, and their relation to each other, and shown that Virginia cannot stand in succession to a private grant, which has been extinct for upwards of one hundred and fifty years—and that the western limits of Virginia, at the commencement of the Revolution, were at the heads of the rivers emptying themselves into the Atlantic, none of which are beyond the Alleghany Mountains; I now proceed to the second part, namely,

The reasonableness of her claims.

Virginia, as a British province, stood in a different situation with the Crown of England to any of the other provinces, because she had no ascertained limits, but such as arose from laying

off new provinces and the proclamation of 1763. For the same name, Virginia, as I have before mentioned, was the general name of all the country, and the dominion out of which the several governments were laid off: and, in strict propriety, conformable to the origin of names, the province of Virginia was taken out of the dominion of Virginia. For the term, *dominion,* could not appertain to the province, which retained the name of Virginia, but the Crown, and from thence was applied to the whole country, and signified its being an appendage to the Crown of England, as they say now, *"our dominion of Wales."*

It is not possible to suppose there could exist an idea that Virginia, as a British province, was to be extended to the South Sea, at the distance of three thousand miles. The dominion, as appertaining at that time to the Crown, might be claimed to extend so far, but as a province the thought was not conceivable, nor the practise possible.

And it is more than probable, that the deception made use of to obtain the patent of 1609, by representing the South Sea to be near where the Alleghany Mountains are, was one cause of its becoming extinct; and it is worthy of remark-

ing, that no history (at least that I have met with) mentions any dispute or litigation, between the Crown and the Company, in consequence of the extinction of the patent, and the re-assumption of the lands; and, therefore, the negative evidence corroborating with the positive, makes it as certain as such a case can possibly be, that either the Company received a compensation for the patent, or quitted it quietly, ashamed of the imposition they had practised, and their subsequent maladministration.

Men are not inclined to give up a claim where there is any ground to contend upon, and the silence in which the patent expired is a presumptive proof that its fate, from whatever cause, was just.

There is one general policy which seems to have prevailed with the English in laying off new governments, which was, not to make them larger than their own country, that they might the easier hold them manageable: this was the case with everyone except Canada, the extension of whose limits was for the politic purpose of recognizing new acquisitions of territory, not immediately convenient for colonization.

But, in order to give this matter a chance through all its cases, I will admit what no man

can suppose, which is, that there is an English charter that fixes Virginia to extend from the Atlantic to the South Sea, and contained within a due west line, set off two hundred miles below Cape Comfort, and a northwest line, set off two hundred miles above it. Her side, then, on the Atlantic (according to an explanation given in Mr. Bradford's paper of Sept. 29, 1779, by an advocate for the Virginia claims) will be four hundred miles; her side to the south three thousand; her side to the west four thousand; and her northwest line about five thousand; and the quantity of land contained within these dimensions will be almost four thousand millions of acres, which is more than ten times the quantity contained within the present United States, and above an hundred times greater than the Kingdom of England.

To reason on a case like this, is such a waste of time, and such an excess of folly, that it ought not to be reasoned upon. It is impossible to suppose that any patent to private persons could be so intentionally absurd, and the claim grounded thereon, is as wild as anything the imagination of man ever conceived.

But if, as I before mentioned, there was a charter which bore such an explanation, and Vir-

ginia stood in succession to it, what would that be to us, any more than the will of Alexander, had he taken it into his head to have bequeathed away the world? Such a charter, or grant, must have been obtained by imposition and a false representation of the country, or granted in error, or both; and in any of, or all these cases, the United States must reject the matter as something they cannot know, for the merits will not bear an argument, and the pretension of right stands upon no better ground.

Our case is an original one; and many matters attending it must be determined on their own merits and reasonableness. The territory of the rest of the states is, in general, within known bounds of moderate extent, and the quota which each state is to furnish toward the expense and service of the war, must be ascertained upon some rule of comparison. The number of inhabitants of each state formed the first rule; and it was naturally supposed that those numbers bore nearly the same proportion to each other, which the territory of each state did. Virginia on this scale, would be about one fifth larger than Pennsylvania, which would be as much dominion as any state could manage with happiness and convenience.

When I first began this subject, my intention was to be extensive on the merits, and concise on the matter of the right; instead of which, I have been extensive on the matter of right, and concise on the merits of reasonableness: and this alteration in my design arose, consequentially, from the nature of the subject; for as a reasonable thing the claim can be supported by no argument, and therefore, needs none to refute it; but as there is a strange propensity in mankind to shelter themselves under the sanction of right, however unreasonable that supposed right may be, I found it most conducive to the interest of the case, to show, that the right stands upon no better grounds than the reason. And shall therefore proceed to make some observations on the consequences of the claim.

The claim being unreasonable in itself, and standing on no ground of right, but such as, if true, must, from the quarter it is drawn, be offensive, has a tendency to create disgust, and sour the minds of the rest of the states. Those lands are capable, under the management of the United States, of repaying the charges of the war, and some of them, as I shall hereafter show, may, I presume, be made an immediate advantage of.

I distinguish three different descriptions of land in America at the commencement of the Revolution. Proprietary or chartered lands, as was the case in Pennsylvania; crown lands, within the described limits of any of the Crown governments; and crown residuary lands, that were without or beyond the limits of any province; and those last were held in reserve whereon to erect new governments, and lay out new provinces; as appears to have been the design by Lord Hillsborough's letter, and the president's answer, wherein he says, "with respect to the establishment of a *new* colony on the *back* of Virginia, it is a subject of too great political importance for me to presume to give an opinion upon; however, permit me, My Lord, to observe, that when that part of the country shall become populated, it may be a wise and prudent measure."

The expression is, a "*new colony* on the *back* of Virginia;" and referred to lands between the heads of the rivers and the Ohio. This is a proof that those lands were not considered within, but beyond the limits of Virginia, as a colony; and the other expression in the letter is equally descriptive, namely, "*We do not presume to say, to whom our Gracious Sovereign shall grant his*

vacant lands." Certainly then, the same right, which, at that time rested in the Crown, rests now in the more supreme authority of the United States; and therefore, addressing the president's letter to the circumstances of the Revolution, it will run thus:

"We do not presume to say to whom the *sovereign United States* shall grant their vacant lands, and with respect to the settlement of a *new colony* on the *back* of Virginia, it is a matter of too much political importance for me to give an opinion upon; however, permit me to observe, that when that part of the country shall become populated it may be a wise and prudent measure."

It must occur to every person, on reflection, that those lands are too distant to be within the government of any of the present states; and, I may presume to suppose, that were a calculation justly made, Virginia has lost more by the decrease of taxables, than she has gained by what lands she has made sale of; therefore, she is not only doing the rest of the states wrong in point of equity, but herself and them an injury in point of strength, service, and revenue.

It is only the United States, and not any single state, that can lay off new states, and in-

corporate them in the Union by representation; therefore, the situation which the settlers on those lands will be in, under the assumed right of Virginia, will be hazardous and distressing, and they will feel themselves at last like the aliens to the Commonwealth of Israel, their habitations unsafe and their title precarious.

And when men reflect on that peace, harmony, quietude, and security, which are necessary to prosperity, especially in making new settlements, and think that when the war shall be ended, their happiness and safety will depend on a union with the states, and not a scattered people, unconnected with, and politically unknown to the rest, they will feel but little inclination to put themselves in a situation, which, however solitary and recluse it may appear at present, will then be uncertain and unsafe, and their troubles will have to begin where those of the United States shall end.

It is probable that some of the inhabitants of Virginia may be inclined to suppose that the writer of this, by taking up the subject in the manner he has done, is arguing unfriendly against their interest. To which he wishes to reply:

That the most extraordinary part of the

whole is, that Virginia should countenance such a claim. For it is worthy of observing, that, from the beginning of the contest with Britain, and long after, there was not a people in America who discovered, through all the variety and multiplicity of public business, a greater fund of true wisdom, fortitude, and disinterestedness, than the then colony of Virginia. They were loved—they were reverenced. Their investigation of the assumed rights of Britain had a sagacity which was uncommon. Their reasonings were piercing, difficult to be equaled and impossible to be refuted, and their public spirit was exceeded by none. But since this unfortunate land scheme has taken place, their powers seem to be absorbed; a torpor has overshaded them, and everyone asks, What is become of Virginia?

It seldom happens that the romantic schemes of extensive dominion are of any service to a government, and never to a people. They assuredly end at last in loss, trouble, division and disappointment. And was even the title of Virginia good, and the claim admissible, she would derive more lasting and real benefit by participating in it, than by attempting the management of an object so infinitely beyond her reach.

Her share with the rest, under the supremacy of the United States, which is the only authority adequate to the purpose, would be worth more to her than what the whole would produce under the management of herself alone. And that for several reasons:

1st, Because her claim not being admissible nor yet manageable, she cannot make a good title to the purchasers, and consequently can get but little for the lands.

2d, Because the distance the settlers will be from her, will immediately put them out of all government and protection, so far, at least as relates to Virginia: and by this means she will render her frontiers a refuge to desperadoes, and a hiding place from justice; and the consequence will be perpetual unsafety to her own peace, and that of the neighboring states.

3d, Because her quota of expense for carrying on the war, admitting her to engross such an immensity of territory, would be greater than she can either support or supply, and could not be less, upon a reasonable rule of proportion, than nine-tenths of the whole. And,

4th, Because she must sooner or later relinquish them; therefore to see her own interest

wisely at first, is preferable to the alternative of finding it out by misfortune at last.

I have now gone through my examination of the claim of Virginia, in every case which I proposed; and for several reasons, wish the lot had fallen to another person. But as this is a most important matter, in which all are interested, and the substantial good of Virginia not injured but promoted, and as few men have leisure, and still fewer have inclination, to go into intricate investigation, I have at last ventured on the subject.

The succession of the United States to the vacant western territory is a right they originally set out upon; and in the pamphlet "Common Sense," I frequently mentioned those lands as a national fund for the benefit of all; therefore, resuming the subject where I then left off, I shall conclude with concisely reducing to system what I then only hinted.

In my last piece, the "Crisis Extraordinary," I estimated the annual amount of the charge of war and the support of the several governments at two million pounds sterling, and the peace establishment at three quarters of a million, and, by a comparison of the taxes of this country with those of England, proved that the whole

yearly expense to us, to defend the country, is but a third of what Britain would have drawn from us by taxes, had she succeeded in her attempt to conquer; and our peace establishment only an eighth part; and likewise showed, that it was within the ability of the states to carry on the whole of the war by taxation, without having recourse to any other modes or funds. To have a clear idea of taxation is necessary to every country, and the more funds we can discover and organize, the less will be the hope of the enemy, and the readier their disposition to peace, which it is now *their* interest more than *ours* to promote.

I have already remarked that only the United States, and not any particular state, can lay off new states and incorporate them into the Union by representation; keeping, therefore, this idea in view, I ask, might not a substantial fund be quickly created by laying off a new state, so as to contain between twenty and thirty millions of acres, and opening a land office in all countries in Europe for hard money, and in this country for supplies in kind, at a certain price?

The tract of land that seems best adapted to answer this purpose is contained between the Alleghany Mountains and the river Ohio, as far north as the Pennsylvania line, thence extend-

ing down the said river to the falls thereof, thence due south into the latitude of the North-Carolina line, and thence east to the Alleghany Mountains aforesaid. I the more readily mention this tract, because it is fighting the enemy with their own weapons, as it includes the same ground on which a new colony would have been erected, for the emolument of the Crown of England, as appears by the letters of Lords Hillsborough and Dartmouth, had not the Revolution prevented its being carried into effect.

It is probable that there may be some spots of private property within this tract, but to incorporate them into some government will render them more profitable to the owners, and the condition of the scattered settlers more eligible and happy than at present.

If twenty millions of acres of this new state be patented and sold at twenty pounds sterling per hundred acres, they will produce four million pounds sterling, which, if applied to Continental expenses only, will support the war for three years, should Britain be so unwise as to prosecute it against her own direct interest and against the interest and policy of all Europe. The several states will then have to raise taxes for their internal government only, and the Continental

taxes, as soon as the fund begins to operate, will lessen, and if sufficiently productive, will cease.

Lands are the real riches of the habitable world, and the natural funds of America. The funds of other countries are, in general, artificially constructed; the creatures of necessity and contrivance dependent upon credit, and always exposed to hazard and uncertainty. But lands can neither be annihilated nor lose their value; on the contrary, they universally rise with population, and rapidly so, when under the security of effectual government. But this it is impossible for Virginia to give, and therefore, that which is capable of defraying the expenses of the empire, will, under the management of any single state, produce only a fugitive support to wandering individuals.

I shall now inquire into the effects which the laying out of a new state, under the authority of the United States, will have upon Virginia. It is the very circumstance she ought to, and must, wish for, when she examines the matter in all its bearings and consequences.

The present settlers beyond her reach, and her supposed authority over them remaining in herself, they will appear to her as revolters, and she to them as oppressors; and this will produce

such a spirit of mutual dislike, that in a little time a total disagreement will take place, to the disadvantage of both. But under the authority of the United States the matter is manageable, and Virginia will be eased of a disagreeable consequence.

Besides this, a sale of the lands, continentally, for the purpose of supporting the expense of the war, will save her a greater share of taxes, than the small sale which she could make herself, and the small price she could get for them would produce.

She would likewise have two advantages which no other state in the Union enjoys; first, a frontier state for her defense against the incursions of the Indians; and the second is, that the laying out and peopling a new state on the back of an old one, situated as she is, is doubling the quantity of its trade.

The new state which is here proposed to be laid out, may send its exports down the Mississippi, but its imports must come through Chesapeake Bay, and consequently Virginia will become the market for the new state; because, though there is a navigation from it, there is none into it, on account of the rapidity of the Mississippi.

There are certain circumstances that will produce certain events whether men think of them or not. The events do not depend upon thinking, but are the natural consequence of acting; and according to the system which Virginia has gone upon, the issue will be, that she will get involved with the back settlers in a contention about *rights,* till they dispute with their own claims; and, soured by the contention, will go to any other state for their commerce; both of which may be prevented, a perfect harmony established, the strength of the states increased, and the expenses of the war defrayed, by settling the matter now on the plan of a general right; and every day it is delayed, the difficulty will be increased and the advantages lessened.

But if it should happen, as it possibly may, that the war should end before the money, which the new state may produce, be expended, the remainder of the lands therein may be set apart to reimburse those whose houses have been burned by the enemy, as this is a species of suffering which it was impossible to prevent, because houses are not movable property; and it ought not to be that because we cannot do everything, that we ought not to do what we can.

Having said this much on the subject, I think

it necessary to remark, that the prospect of a new fund, so far from abating our endeavors in making every immediate provision for the army, ought to quicken us therein; for should the states see it expedient to go upon the measure, it will be at least a year before it can be productive. I the more freely mention this, because there is a dangerous species of popularity, which, I fear, some men are seeking from their constituents by giving them grounds to believe, that if they are elected they will lighten the taxes; a measure which, in the present state of things, cannot be done without exposing the country to the ravages of the enemy by disabling the army from defending it.

Where knowledge is a duty, ignorance is a crime; and if any man whose duty it was to know better, has encouraged such an expectation, he has either deceived himself or them: besides, no country can be defended without expense, and let any man compare his portion of temporary inconveniences arising from taxation with the real distresses of the army for want of supplies, and the difference is not only sufficient to strike him dumb, but make him thankful that worse consequences have not followed.

In advancing this doctrine, I speak with an

honest freedom to the country; for as it is their good to be defended, so it is their interest to provide that defense, at least till other funds can be organized.

As the laying out new states will some time or other be the business of the country, and as it is yet a new business to us, and as the influence of the war has scarcely afforded leisure for reflecting on distant circumstances, I shall throw together a few hints for facilitating that measure whenever it may be proper for adopting it.

The United States now standing on the line of sovereignty, the vacant territory is their property collectively, but the persons by whom it may hereafter be peopled will also have an equal right with ourselves; and therefore, as new states shall be laid off and incorporated with the present, they will become partakers of the remaining territory with us who are already in possession. And this consideration ought to heighten the value of lands to new emigrants: because, in making the purchases, they not only gain an immediate property, but become initiated into the right and heirship of the states to a property in reserve, which is an additional advantage to what any purchasers under the late Government of England enjoyed.

The setting off the boundary of any new state will naturally be the first step, and as it must be supposed not to be peopled at the time it is laid off, a constitution must be formed by the United States, as the rule of government in any new state, for a certain term of years (perhaps ten) or until the state becomes peopled to a certain number of inhabitants; after which, the whole and sole right of modeling their government to rest with themselves.

A question may arise, whether a new state should immediately possess an equal right with the present ones in all cases which may come before Congress.

This, experience will best determine; but at a first view of the matter it appears thus: that it ought to be immediately incorporated into the Union on the ground of a family right, such a state standing in the line of a younger child of the same stock; but as new emigrants will have something to learn when they first come to America, and a new state requiring aid rather than capable of giving it, it might be most convenient to admit its immediate representation into Congress, there to sit, hear and debate on all questions and matters, but not to vote on any till after the expiration of seven years.

I shall in this place take the opportunity of renewing a hint which I formerly threw out in the pamphlet "Common Sense," and which the several states will, sooner or later, see the convenience if not the necessity of adopting; which is, that of electing a Continental convention, for the purpose of forming a Continental constitution, defining and describing the powers and authority of Congress.

Those of entering into treaties, and making peace, they naturally possess, in behalf of the states, for their separate as well as their united good, but the internal control and dictatorial powers of Congress are not sufficiently defined, and appear to be too much in some cases and too little in others; and therefore, to have them marked out legally will give additional energy to the whole, and a new confidence to the several parts.

LETTER TO THE ABBÉ RAYNAL
1782 *

INTRODUCTION

A LONDON translation of an original work in French, by the Abbé Raynal, which treats of the Revolution of North America, having been re-printed in Philadelphia and other parts of the continent, and as the distance at which the Abbé is placed from the American theater of war and politics, has occasioned him to mistake several facts, or misconceive the causes or principles by which they were produced, the following tract, therefore, is published with a view to rectify them, and prevent even accidental errors from intermixing with history, under the sanction of time and silence.

The editor of the London edition has entitled it, "The Revolution of America, by the ABBÉ RAYNAL," and the American printers have followed the example. But I have understood, and I believe my information just, that the piece, which is more properly reflections on the Revolution, was unfairly purloined from the printer

* "Letter to the Abbé Raynal, on the Affairs of North America: in which the Mistakes in the Abbé's account of the Revolution of America are Corrected and Cleared up."—*Ed.*

whom the Abbé employed, or from the manuscript copy, and is only part of a larger work then in the press, or preparing for it. The person who procured it, appears to have been an Englishman, and though, in an advertisement prefixed to the London edition, he has endeavored to gloss over the embezzlement with professions of patriotism, and to soften it with high encomiums on the author, yet the action in any view in which it can be placed, is illiberal and unpardonable.

In the course of his travels, (says he), the translator happily succeeded in obtaining a copy of this exquisite little piece which has not made its appearance from any press. He publishes a French edition, in favor of those who feel its eloquent reasoning more forcibly in its native language, at the same time with the following translation of it: in which he has been desirous, perhaps in vain, that all the warmth, the grace, the strength, the dignity of the original, should not be lost. And he flatters himself, that the indulgence of the illustrious historian will not be wanting to a man, who, of his own motion, has taken the liberty to give this composition to the public, only from a strong persuasion, that its momentous argument will be useful in a critical conjuncture, to that country which he loves with an ardor that can be exceeded only by the nobler flame, which burns in the bosom of the philanthropic author, for the freedom and happiness of all the countries upon earth.

This plausibility of setting off a dishonor-

able action, may pass for patriotism and sound principles with those who do not enter into its demerits, and whose interest is not injured nor their happiness affected thereby. But it is more than probable, notwithstanding the declarations it contains, that the copy was obtained for the sake of profiting by the sale of a new and popular work, and that the professions are but a garb to the fraud.

It may with propriety be marked, that in all countries where literature is protected, and it never can flourish where it is not, the works of an author are his legal property; and to treat letters in any other light than this, is to banish them from the country, or strangle them in the birth. —The embezzlement from the Abbé Raynal, was, it is true, committed by one country upon another, and therefore shows no defect in the laws of either. But it is nevertheless a breach of civil manners and literary justice: neither can it be any apology, that because the countries are at war, literature shall be entitled to depredation.*

* The state of literature in America must one day become a subject of legislative consideration. Hitherto it hath been a disinterested volunteer in the service of the Revolution, and no man thought of profits: but when peace shall give time and opportunity for study, the country will deprive itself of the honor and service of letters and the improvement of science, unless sufficient laws are made to prevent depredations on literary property. It is well

But the forestalling the Abbé's publication by London editions, both in French and English, and thereby not only defrauding him and throwing an expensive publication on his hands by anticipating the sale, are only the smaller injuries which such conduct may occasion. A man's opinions, whether written or in thought, are his own, until he pleases to publish them himself; and it is adding cruelty to injustice, to make him the author of what future reflection, or better information, might occasion him to suppress or amend. There are declarations and sentiments in the Abbé's piece which, for my own part, I did not expect to find, and such as himself, on a revisal, might have seen occasion to change; but the anticipated piracy effectually prevented his having the opportunity, and precipitated him into difficulties, which, had it not been for such ungenerous fraud, might not have happened.

This mode of making an author appear before his time, will appear still more ungenerous, when we consider how very few men there are in

worth remarking, that Russia, who but a few years ago was scarcely known in Europe, owes a large share of her present greatness to the close attention she has paid, and the wise encouragement she has given, to every branch of science and learning: and we have almost the same instance in France, in the reign of Louis XIV.

any country, who can at once, and without the aid of reflection and revisal, combine warm passions with a cool temper, and the full expansion of the imagination with the natural and necessary gravity of judgment, so as to be rightly balanced within themselves, and to make a reader feel, fancy, and understand justly at the same time. To call three powers of the mind into action at once, in a manner that neither shall interrupt, and that each shall aid and invigorate the other, is a talent very rarely possessed.

It often happens that the weight of an argument is lost by the wit of setting it off; or the judgment disordered by an intemperate irritation of the passions: yet a certain degree of animation must be felt by the writer, and raised in the reader, in order to interest the attention; and a sufficient scope given to the imagination, to enable it to create in the mind a sight of the persons, characters and circumstances of the subject: for without these, the judgment will feel little or no excitement to office, and its determinations will be cold, sluggish, and imperfect.

But if either or both of the two former are raised too high, or heated too much, the judgment will be jostled from its seat, and the whole matter, however important in itself, will diminish

into a pantomime of the mind, in which we create images that promote no other purpose than amusement.

The Abbé's writings bear evident marks of that extension and rapidness of thinking and quickness of sensation, which of all others require revisal, and the more particularly so, when applied to the living characters of nations or individuals in a state of war. The least misinformation or misconception leads to some wrong conclusion, and an error believed, becomes the progenitor of others. And, as the Abbé has suffered some inconveniences in France, by mistaking certain circumstances of the war, and the characters of the parties therein, it becomes some apology for him that those errors were precipitated into the world by the avarice of an ungenerous enemy.

LETTER TO THE ABBÉ RAYNAL

TO an author of such distinguished reputation as the Abbé Raynal, it might very well become me to apologize for the present undertaking; but, as *to be right* is the first wish of philosophy, and the first principle of history, he will, I presume, accept from me a declaration of my motives, which are those of doing justice, in preference to any complimental apology I might otherwise make. The Abbé, in the course of his work, has, in some instances, extolled without a reason, and wounded without a cause. He has given fame where it was not deserved, and withheld it where it was justly due; and appears to be so frequently in and out of temper with his subjects and parties, that few or none of them are decisively and uniformly marked.

It is yet too soon to write the history of the Revolution, and whoever attempts it precipitately, will unavoidably mistake characters and circumstances, and involve himself in error and difficulty. Things, like men, are seldom understood rightly at first sight. But the Abbé is wrong even in the foundation of his work; that is, he has misconceived and mis-stated the causes

which produced the rupture between England and her then colonies, and which led on, step by step, unstudied and uncontrived on the part of America, to a revolution, which has engaged the attention, and affected the interest of Europe.

To prove this, I shall bring forward a passage, which, though placed towards the latter part of the Abbé's work, is more intimately connected with the beginning; and in which, speaking of the original cause of the dispute, he declares himself in the following manner:

> None, (says he), of those energetic causes, which have produced so many revolutions upon the globe, existed in North America. Neither religion nor laws had there been outraged. The blood of martyrs or patriots had not there streamed from scaffolds. Morals had not there been insulted. Manners, customs, habits, no object dear to nations, had there been the sport of ridicule. Arbitrary power had not there torn any inhabitant from the arms of his family and friends, to drag him to a dreary dungeon. Public order had not been there inverted. The principles of administration had not been changed there; and the maxims of government had there always remained the same. The whole question was reduced to the knowing whether the mother country had, or had not, a right to lay, directly or indirectly, a slight tax upon the colonies.

On this extraordinary passage, it may not be improper, in general terms, to remark, that none can feel like those who suffer; and that for a man

to be a competent judge of the provocatives, or as the Abbé styles them, the energetic causes of the Revolution, he must have resided at the time in America.

The Abbé, in saying that the several particulars he has enumerated, did not exist in America, and neglecting to point out the particular period, in which he means they did not exist, reduces thereby his declaration to a nullity, by taking away all meaning from the passage.

They did not exist in 1763, and they all existed before 1776; consequently as there was a time when they did *not,* and another, when they *did* exist, the *time when* constitutes the essence of the fact, and not to give it is to withhold the only evidence which proves the declaration right or wrong, and on which it must stand or fall. But the declaration as it now appears, unaccompanied by time, has an effect in holding out to the world, that there was no real cause for the Revolution, because it denies the existence of all those causes, which are supposed to be justifiable, and which the Abbé styles energetic.

I confess myself exceedingly at a loss to find out the time to which the Abbé alludes; because, in another part of the work, in speaking of the Stamp Act, which was passed in 1764, he styles it

" an *usurpation* of the Americans' *most precious and sacred rights.*" Consequently he here admits the most energetic of all causes, that is, *an usurpation of their most precious and sacred rights,* to have existed in America twelve years before the Declaration of Independence, and ten years before the breaking out of hostilities. The time, therefore, in which the paragraph is true, must be antecedent to the Stamp Act, but as at that time there was no revolution, nor any idea of one, it consequently applies without a meaning; and as it cannot, on the Abbé's own principle, be applied to any time *after* the Stamp Act, it is therefore a wandering, solitary paragraph, connected with nothing and at variance with everything.

The Stamp Act, it is true, was repealed in two years after it was passed, but it was immediately followed by one of infinitely more mischievous magnitude; I mean the Declaratory Act, which asserted the right, as it was styled, of the British Parliament, *"to bind America in all cases whatsoever."*

If then the Stamp Act was an usurpation of the Americans' most precious and sacred rights, the Declaratory Act left them no rights at all; and contained the full grown seeds of the most

despotic government ever exercised in the world. It placed America not only in the lowest, but in the basest state of vassalage; because it demanded an unconditional submission in everything, or as the act expressed it, *in all cases whatsoever:* and what renders this act the more offensive, is, that it appears to have been passed as an act of mercy; truly then may it be said, that *the tender mercies of the wicked are cruel.*

All the original charters from the Crown of England, under the faith of which the adventurers from the Old World settled in the New, were by this act displaced from their foundations; because, contrary to the nature of them, which was that of a compact, they were now made subject to repeal or alteration at the mere will of one party only. The whole condition of America was thus put into the hands of the Parliament or Ministry, without leaving to her the least right in any case whatsoever.

There is no despotism to which this iniquitous law did not extend; and though it might have been convenient in the execution of it, to have consulted manners and habits, the principle of the act made all tyranny legal. It stopped nowhere. It went to everything. It took in with it the whole life of a man, or if I may so

express it, an eternity of circumstances. It is the nature of law to require obedience, but this demanded servitude; and the condition of an American, under the operation of it, was not that of a subject, but a vassal. Tyranny has often been established *without* law and sometimes *against* it, but the history of mankind does not produce another instance, in which it has been established *by* law. It is an audacious outrage upon civil government, and cannot be too much exposed, in order to be sufficiently detested.

Neither could it be said after this, that the legislature of that country any longer made laws for this, but that it gave out commands; for wherein differed an act of Parliament constructed on this principle, and operating in this manner, over an unrepresented people, from the orders of a military establishment?

The Parliament of England, with respect to America, was not septennial but *perpetual.* It appeared to the latter a body always in being. Its election or expiration were to her the same as if its members succeeded by inheritance, or went out by death, or lived forever, or were appointed to it as a matter of office. Therefore, for the people of England to have any just con-

ception of the mind of America, respecting this extraordinary act, they must suppose all election and expiration in that country to cease forever, and the present Parliament, its heirs, etc. to be perpetual; in this case, I ask, what would the most clamorous of them think, were an act to be passed, declaring the right of *such a Parliament* to bind *them* in all cases whatsoever? For this word *whatsoever* would go as effectually to their *Magna Charta, Bill of Rights, trial by juries, etc.* as it went to the charters and forms of government in America.

I am persuaded, that the gentleman to whom I address these remarks, will not, after the passing of this act, say, "that the *principles* of administration had not been *changed* in America, and that the maxims of government had there been *always the same.*" For here is, in principle, a total overthrow of the whole; and not a subversion only, but an annihilation of the foundation of liberty and absolute domination established in its stead.

The Abbé likewise states the case exceedingly wrong and injuriously, when he says, that "*the whole* question was reduced to the knowing whether the mother country had, or had not, a right to lay, directly or indirectly, a *slight* tax

upon the colonies." This was *not the whole* of the question; neither was the *quantity* of the tax the object either to the Ministry or to the Americans. It was the principle, of which the tax made but a part, and the quantity still less, that formed the ground on which America resisted.

The tax on tea, which is the tax here alluded to, was neither more nor less than an experiment to establish the practise of a declaratory law upon; modeled into the more fashionable phrase *of the universal supremacy of Parliament.* For until this time the declaratory law had lain dormant, and the framers of it had contented themselves with barely declaring an opinion.

Therefore the *whole* question with America, in the opening of the dispute, was, shall we be bound in all cases whatsoever by the British Parliament, or shall we not? For submission to the tea or tax act implied an acknowledgment of the Declaratory Act, or, in other words, of the universal supremacy of Parliament, which as they never intended to do, it was necessary they should oppose it, in its first stage of execution.

It is probable the Abbé has been led into this mistake by perusing detached pieces in some of the American newspapers; for, in a case where all were interested, everyone had a right to give

his opinion; and there were many, who, with the best intentions, did not choose the best, nor indeed the true ground, to defend their cause upon. They felt themselves right by a general impulse, without being able to separate, analyze, and arrange the parts.

I am somewhat unwilling to examine too minutely into the whole of this extraordinary passage of the Abbé, lest I should appear to treat it with severity; otherwise I could show that not a single declaration is justly founded: for instance, the reviving an obsolete act of the reign of Henry VIII and fitting it to the Americans, by authority of which they were to be seized and brought from America to England, and there imprisoned and tried for any supposed offenses, was, in the worst sense of the words, *to tear them, by the arbitrary power of Parliament, from the arms of their families and friends, and drag them not only to dreary but distant dungeons.* Yet this act was contrived some years before the breaking out of hostilities. And again, though the blood of martyrs and patriots had not streamed on the scaffolds, it streamed in the streets, in the massacre of the inhabitants of Boston, by the British soldiery in the year 1770.

Had the Abbé said that the causes which pro-

duced the Revolution in America were originally *different* from those which produced revolutions in other parts of the globe, he had been right. Here the value and quality of liberty, the nature of government, and the dignity of man, were known and understood, and the attachment of the Americans to these principles produced the Revolution, as a natural and almost unavoidable consequence. They had no particular family to set up or pull down. Nothing of personality was incorporated with their cause. They started even-handed with each other, and went no faster into the several stages of it, than they were driven by the unrelenting and imperious conduct of Britain. Nay, in the last act, the Declaration of Independence, they had nearly been too late; for had it not been declared at the exact time it was, I see no period in their affairs since, in which it could have been declared with the same effect, and probably not at all.

But the object being formed before the reverse of fortune took place, that is, before the operations of the gloomy campaign of 1776, their honor, their interest, their everything, called loudly on them to maintain it; and that glow of thought and energy of heart, which even a distant prospect of independence inspires,

gave confidence to their hopes, and resolution to their conduct, which a state of dependence could never have reached. They looked forward to happier days and scenes of rest, and qualified the hardships of the campaign by contemplating the establishment of their new-born system.

If, on the other hand, we take a review of what part Britain has acted, we shall find everything which ought to make a nation blush—the most vulgar abuse, accompanied by that species of haughtiness which distinguishes the hero of a mob from the character of a gentleman. It was equally as much from her manners as from her injustice that she lost the colonies. By the latter she provoked their principles, by the former she wore out their temper; and it ought to be held out as an example to the world, to show how necessary it is to conduct the business of government with civility. In short, other revolutions may have originated in caprice, or generated in ambition; but here, the most unoffending humility was tortured into rage, and the infancy of existence made to weep.

A union so extensive, continued and determined, suffering with patience and never in despair, could not have been produced by common causes. It must be something capable of reach-

ing the whole soul of man and arming it with perpetual energy. It is in vain to look for precedents among the revolutions of former ages, to find out, by comparison, the causes of this.

The spring, the progress, the object, the consequences, nay, the men, their habits of thinking, and all the circumstances of the country, are different. Those of other nations are, in general, little more than the history of their quarrels. They are marked by no important character in the annals of events; mixed in the mass of general matters, they occupy but a common page; and while the chief of the successful partisans stepped into power, the plundered multitude sat down and sorrowed. Few, very few of them are accompanied with reformation, either in government or manners; many of them with the most consummate profligacy. Triumph on the one side and misery on the other were the only events. Pains, punishments, torture, and death were made the business of mankind, until compassion, the fairest associate of the heart, was driven from its place, and the eye, accustomed to continual cruelty, could behold it without offense.

But as the principles of the present Revolution differed from those which preceded it, so

likewise did the conduct of America both in government and war. Neither the foul finger of disgrace nor the bloody hand of vengeance has hitherto put a blot upon her fame. Her victories have received lustre from a greatness of lenity; and her laws have been permitted to slumber, where they might justly be awakened to punish. War, so much the trade of the world, has here been only the business of necessity; and when the necessity shall cease, her very enemies must confess, that as she drew the sword in her just defense, she used it without cruelty, and sheathed it without revenge.

As it is not my design to extend these remarks to a history, I shall now take my leave of this passage of the Abbé, with an observation, which, until something unfolds itself to convince me otherwise, I cannot avoid believing to be true;—which is, that it was the fixed determination of the British Cabinet to quarrel with America at all events.

They (the members who composed the Cabinet) had no doubt of success, if they could once bring it to the issue of a battle, and they expected from a conquest, what they could neither propose with decency, nor hope for by negotiation. The charters and constitutions of the colonies were

become to them matters of offense, and their rapid progress in property and population were disgustingly beheld as the growing and natural means of independence. They saw no way to retain them long but by reducing them in time. A conquest would at once have made them both lords and landlords; and put them in the possession both of the revenue and the rental. The whole trouble of government would have ceased in a victory, and a final end put to remonstrance and debate.

The experience of the Stamp Act had taught them how to quarrel with the advantages of cover and convenience, and they had nothing to do but to renew the scene, and put contention into motion. They hoped for a rebellion, and they made one. They expected a declaration of independence, and they were not disappointed. But after this, they looked for victory, and they obtained a defeat.

If this be taken as the generating cause of the contest, then is every part of the conduct of the British Ministry consistent from the commencement of the dispute, until the signing the Treaty of Paris, after which, conquest becoming doubtful, they retreated to negotiation, and were again defeated.

Though the Abbé possesses and displays great powers of genius, and is a master of style and language, he seems not to pay equal attention to the office of an historian. His facts are coldly and carelessly stated. They neither inform the reader nor interest him. Many of them are erroneous, and most of them are defective and obscure. It is undoubtedly both an ornament and a useful addition to history, to accompany it with maxims and reflections. They afford likewise an agreeable change to the style, and a more diversified manner of expression; but it is absolutely necessary that the root from whence they spring, or the foundation on which they are raised, should be well attended to, which in this work is not. The Abbé hastens through his narrations as if he was glad to get from them, that he may enter the more copious field of eloquence and imagination.

The actions of Trenton and Princeton, in New Jersey, in December 1776, and January following, on which the fate of America stood for a while trembling on the point of suspense, and from which the most important consequences followed, are comprised within a single paragraph, faintly conceived, and barren of character, circumstance and description.

> On the twenty-fifth of December, (says the Abbé), they (the Americans) crossed the Delaware, and fell *accidentally* upon Trenton, which was occupied by fifteen hundred of the twelve thousand Hessians, sold in so base a manner by their avaricious master, to the King of Great Britain. This corps was *massacred*, taken, or dispersed. Eight days after, three English regiments were, in like manner, driven from Princeton, but after having better supported their reputation than the foreign troops in their pay.

This is all the account which is given of these interesting events. The Abbé has preceded them by two or three pages on the military operations of both armies, from the time of General Howe's arriving before New York from Halifax, and the vast reinforcements of British and foreign troops with Lord Howe from England. But in these, there is so much mistake, and so many omissions, that, to set them right, must be the business of a history and not of a letter.

The action of Long Island is but barely hinted at, and the operations at the White Plains wholly omitted; as are likewise the attack and loss of Fort Washington, with a garrison of about two thousand five hundred men, and the precipitate evacuation of Fort Lee, in consequence thereof: which losses were in a great measure the cause of the retreat through the Jerseys to the Delaware, a distance of about ninety miles.

Neither is the manner of the retreat described; which, from the season of the year, the nature of the country, the nearness of the two armies (sometimes within sight and shot of each other, for such a length of way) the rear of the one employed in pulling down bridges, and the van of the other in building them up, must necessarily be accompanied with many interesting circumstances.

It was a period of distresses. A crisis rather of danger than of hope. There is no description can do it justice; and even the actors in it, looking back upon the scene, are surprised how they got through; and at a loss to account for those powers of the mind, and springs of animation, by which they withstood the force of accumulated misfortune.

It was expected, that the time for which the army was enlisted, would carry the campaign so far into the winter, that the severity of the season, and the consequent condition of the roads, would prevent any material operation of the enemy, until the new army could be raised for the next year. And I mention it, as a matter worthy of attention, by all future historians, that the movements of the American Army, until the attack of the Hessian post at Trenton, the

twenty-sixth of December, are to be considered as operating to effect no other principal purpose than delay, and to wear away the campaign under all the disadvantages of an unequal force, with as little misfortune as possible.

But the loss of the garrison at Fort Washington on the sixteenth of November, and the expiration of the time of a considerable part of the army, so early as the thirtieth of the same month, and which was to be followed by almost daily expirations afterwards, made retreat the only final expedient. To these circumstances may be added the forlorn and destitute condition of the few that remained; for the garrison of Fort Lee, which composed almost the whole of the retreat, had been obliged to abandon it so instantaneously that every article of stores and baggage was left behind, and in this destitute condition, without tent or blanket, and without any other utensils to dress their provision than what they procured by the way, they performed a march of about ninety miles, and had the address and management to prolong it to the space of nineteen days.

By this unexpected or rather unthought-of turn of affairs, the country was in an instant surprised into confusion, and found an enemy

within its bowels, without an army to oppose him. There were no succors to be had, but from the free-will offering of the inhabitants. All was choice, and every man reasoned for himself.

It was in this situation of affairs, equally calculated to confound or to inspire, that the gentleman, the merchant, the farmer, the tradesman and the laborer mutually turned from all the conveniences of home, to perform the duties of private soldiers, and undergo the severities of a winter campaign. The delay so judiciously contrived on the retreat, afforded time for the volunteer reinforcements to join General Washington on the Delaware.

The Abbé is likewise wrong in saying, that the American Army fell *accidentally* on Trenton. It was the very object for which General Washington crossed the Delaware in the dead of the night and in the midst of snow, storms, and ice; and which he immediately re-crossed with his prisoners, as soon as he had accomplished his purpose. Neither was the intended enterprise a secret to the enemy, information having been sent of it by letter, from a British officer at Princeton, to Colonel Rolle [Rahl, or Rall], who commanded the Hessians at Trenton, which letter was afterwards found by the Americans. Never-

theless the post was completely surprised. A small circumstance, which had the appearance of mistake on the part of the Americans, led to a more capital and real mistake on the part of Rolle.

The case was this. A detachment of twenty or thirty Americans had been sent across the river, from a post a few miles above, by an officer unacquainted with the intended attack; these were met by a body of Hessians on the night to which the information pointed, which was Christmas night, and repulsed. Nothing further appearing, and the Hessians mistaking this for the advanced party, supposed the enterprise disconcerted, which at that time was not begun, and under this idea returned to their quarters; so that, what might have raised an alarm, and brought the Americans into an ambuscade, served to take off the force of an information, and promote the success of the enterprise. Soon after daylight, General Washington entered the town, and after a little opposition, made himself master of it, with upwards of nine hundred prisoners.

This combination of equivocal circumstances, falling within what the Abbé styles, *"the wide empire of chance,"* would have afforded a fine field for thought, and I wish, for the sake of

that elegance of reflection he is so capable of using, that he had known it.

But the action at Princeton was accompanied by a still greater embarrassment of matters, and followed by more extraordinary consequences. The Americans, by a happy stroke of generalship, in this instance, not only deranged and defeated all the plans of the British, in the intended moment of execution, but drew from their posts the enemy they were not able to drive, and obliged them to close the campaign. As the circumstance is a curiosity in war, and not well understood in Europe, I shall, as concisely as I can, relate the principal parts; they may serve to prevent future historians from error, and recover from forgetfulness a scene of magnificent fortitude.

Immediately after the surprise of the Hessians at Trenton, General Washington re-crossed the Delaware, which at this place is about three quarters of a mile over, and reassumed his former post on the Pennsylvania side. Trenton remained unoccupied, and the enemy were posted at Princeton, twelve miles distant, on the road toward New York. The weather was now growing very severe, and as there were very few houses near the shore where General Washington

had taken his station, the greatest part of his army remained out in the woods and fields. These, with some other circumstances, induced the re-crossing the Delaware and taking possession of Trenton. It was undoubtedly a bold adventure, and carried with it the appearance of defiance, especially when we consider the panic-struck condition of the enemy on the loss of the Hessian post. But in order to give a just idea of the affair, it is necessary that I should describe the place.

Trenton is situated on a rising ground, about three quarters of a mile distant from the Delaware, on the eastern or Jersey side; and is cut into two divisions by a small creek or rivulet, sufficient to turn a mill which is on it, after which it empties itself at nearly right angles into the Delaware. The upper division, which is that to the northeast, contains about seventy or eighty houses, and the lower about forty or fifty. The ground on each side this creek, and on which the houses are, is likewise rising, and the two divisions present an agreeable prospect to each other, with the creek between, on which there is a small stone bridge of one arch.

Scarcely had General Washington taken post here, and before the several parties of militia, out

on detachments, or on their way, could be collected, than the British, leaving behind them a strong garrison at Princeton, marched suddenly and entered Trenton at the upper or northeast quarter. A party of the Americans skirmished with the advanced party of the British, to afford time for removing the store and baggage, and withdrawing over the bridge.

In a little time the British had possession of one half of the town, General Washington of the other; and the creek only separated the two armies. Nothing could be a more critical situation than this, and if ever the fate of America depended upon the event of a day, it was now. The Delaware was filling fast with large sheets of driving ice, and was impassable; of course no retreat into Pennsylvania could be effected, neither is it possible, in the face of an enemy, to pass a river of such extent. The roads were broken and rugged with the frost, and the main road was occupied by the enemy.

About four o'clock a party of the British approached the bridge, with a design to gain it, but were repulsed. They made no more attempts, though the creek itself is passable anywhere between the bridge and the Delaware. It runs in a rugged, natural made ditch, over which a

person may pass with little difficulty, the stream being rapid and shallow. Evening was now coming on, and the British, believing they had all the advantages they could wish for, and that they could use them when they pleased, discontinued all further operations, and held themselves prepared to make the attack next morning.

But the next morning produced a scene as elegant as it was unexpected. The British were under arms and ready to march to action, when one of their light-horse from Princeton came furiously down the street, with an account that General Washington had that morning attacked and carried the British post at that place, and was proceeding on to seize the magazine at Brunswick; on which the British, who were then on the point of making an assault on the evacuated camp of the Americans, wheeled about, and in a fit of consternation marched for Princeton.

This retreat is one of those extraordinary circumstances, that in future ages may probably pass for fable. For it will with difficulty be believed, that two armies, on which such important consequences depended, should be crowded into so small a space as Trenton; and that the one, on the eve of an engagement, when every ear is supposed to be open, and every degree of watchful-

ness employed, should move completely from the ground, with all its stores, baggage and artillery, unknown and even unsuspected by the other. And so entirely were the British deceived, that when they heard the report of the cannon and small arms at Princeton, they supposed it to be thunder, though in the depth of winter.

General Washington, the better to cover and disguise his retreat from Trenton, had ordered a line of fires to be lighted up in front of his camp. These not only served to give an appearance of going to rest, and continuing that deception, but they effectually concealed from the British whatever was acting behind them, for flame can no more be seen through than a wall, and in this situation, it may with propriety be said, they became a pillar of fire to one army, and a pillar of cloud to the other. After this, by a circuitous march of about eighteen miles, the Americans reached Princeton early in the morning.

The number of prisoners taken was between two and three hundred, with which General Washington immediately set off. The van of the British Army from Trenton entered Princeton about an hour after the Americans had left it, who, continuing their march for the remainder

of the day, arrived in the evening at a convenient situation, wide of the main road to Brunswick, and about sixteen miles distant from Princeton. But so wearied and exhausted were they, with the continual and unabated service and fatigue of two days and a night, from action to action, without shelter, and almost without refreshment, that the bare and frozen ground, with no other covering than the sky, became to them a place of comfortable rest.

By these two events, and with but a little comparative force to accomplish them, the Americans closed with advantage a campaign, which, but a few days before, threatened the country with destruction. The British Army, apprehensive for the safety of their magazines at Brunswick, eighteen miles distant, marched immediately for that place, where they arrived late in the evening, and from which they made no attempts to move, for nearly five months.

Having thus stated the principal outlines of these two most interesting actions, I shall now quit them, to put the Abbé right in his mis-stated account of the debt and paper money of America, wherein, speaking of these matters, he says:

> These ideal riches were rejected. The more the multiplication of them was urged by want, the greater

did their depreciation grow. The Congress was indignant at the affront given to its money, and declared all those to be traitors to their country, who should not receive it as they would have received gold itself.

Did not this body know, that prepossessions are no more to be controlled than feelings are? Did it not perceive that, in the present crisis, every rational man would be afraid of exposing his fortune? Did it not see, that at the beginning of a republic, it permitted to itself the exercise of such acts of despotism as are unknown even in the countries which are molded to, and become familiar with, servitude and oppression? Could it pretend that it did not punish a want of confidence with the pains which would have been scarcely merited by revolt and treason? Of all this was the Congress well aware. But it had no choice of means. Its despised and despicable scraps of paper were actually thirty times below their original value, when more of them were ordered to be made. On the thirteenth of September, 1779, there was of this paper among the public, to the amount of £35,544,155. The State owed moreover £8,385,356, without reckoning the particular debts of single provinces.

In the above recited passages, the Abbé speaks as if the United States had contracted a debt of upwards of forty million pounds sterling, besides the debts of the individual states. After which, speaking of foreign trade with America, he says, that "those countries in Europe, which are truly commercial ones, knowing that North America had been reduced to contract debts, at the epoch even of her greatest prosperity, wisely

thought that, in her present distress, she would be able to pay but very little, for what might be carried to her."

I know it must be extremely difficult to make foreigners understand the nature and circumstances of our paper money, because there are natives, who do not understand it themselves. But with us its fate is now determined. Common consent has consigned it to rest with that kind of regard, which the long service of inanimate things insensibly obtains from mankind. Every stone in the bridge, that has carried us over, seems to have a claim upon our esteem. But this was a corner-stone, and its usefulness cannot be forgotten. There is something in a grateful mind, which extends itself even to things that can neither be benefited by regard, nor suffer by neglect; but so it is; and almost every man is sensible of the effect.

But to return. The paper money, though issued from Congress under the name of dollars, did not come from that body always at that value. Those which were issued the first year, were equal to gold and silver. The second year less, the third still less, and so on, for nearly the space of five years: at the end of which, I imagine, that the whole value, at which Congress

might pay away the several emissions, taking them together, was about ten or twelve million pounds sterling.

Now as it would have taken ten or twelve millions sterling of taxes to carry on the war for five years, and, as while this money was issuing, and likewise depreciating down to nothing, there were none, or few valuable taxes paid; consequently the event to the public was the same, whether they sunk ten or twelve millions of expended money, by depreciation, or paid ten or twelve millions by taxation; for as they did not do both, and chose to do one, the matter which, in a general view, was indifferent. And therefore, what the Abbé supposes to be a debt, has now no existence; it having been paid, by everybody consenting to reduce, at his own expense, from the value of the bills continually passing among themselves, a sum, equal, nearly, to what the expense of the war was for five years.

Again. The paper money having now ceased, and the depreciation with it, and gold and silver supplied its place, the war will now be carried on by taxation, which will draw from the public a considerable less sum than what the depreciation drew; but as while they pay the former, they do not suffer the latter, and as when they suffered

the latter, they did not pay the former, the thing will be nearly equal, with this moral advantage, that taxation occasions frugality and thought, and depreciation produces dissipation and carelessness.

And again. If a man's portion of taxes comes to less than what he lost by the depreciation, it proves that the alteration is in his favor. If it comes to more and he is justly assessed, it shows that he did not sustain his proper share of depreciation, because the one was as operatively his tax as the other.

It is true, that it never was intended, neither was it foreseen, that the debt contained in the paper currency should sink itself in this manner; but as, by the voluntary conduct of all and of everyone, it has arrived at this fate, the debt is paid by those who owed it.

Perhaps nothing was ever so universally the act of a country as this. Government had no hand in it. Every man depreciated his own money by his own consent, for such was the effect, which the raising the nominal value of goods produced. But as by such reduction he sustained a loss equal to what he must have paid to sink it by taxation, therefore the line of justice is to consider his loss by the depreciation as his tax

for that time, and not to tax him when the war is over, to make that money good in any other person's hands, which became nothing in his own.

Again. The paper currency was issued for the express purpose of carrying on the war. It has performed that service, without any other material charge to the public, while it lasted. But to suppose, as some did, that, at the end of the war, it was to grow into gold or silver, or become equal thereto, was to suppose that we were to *get* two hundred millions of dollars by *going to war,* instead of *paying* the cost of carrying it on.

But if anything in the situation of America, as to her currency or her circumstances, yet remains not understood, then let it be remembered, that this war is the public's war—the country's war. It is *their* independence that is to be supported; *their* property that is to be secured; *their* country that is to be saved. Here, Government, the army, and the people, are mutually and reciprocally one. In other wars, kings may lose their thrones, and their dominions; but here, the loss must fall on the majesty of the multitude, and the property they are contending to save. Every man being sensible of this, he goes to the field, or pays his portion of the charge, as the

sovereign of his own possessions; and when he is conquered a monarch falls.

The remark, which the Abbé in the conclusion of the passage has made, respecting America's contracting debts in the time of her prosperity, (by which he means, before the breaking out of hostilities), serves to show, though he has not made the application, the very great commercial difference between a dependent and an independent country. In a state of dependence, and with a fettered commerce, though with all the advantages of peace, her trade could not balance itself, and she annually run into debt. But now, in a state of independence, though involved in war, she requires no credit: her stores are full of merchandize, and gold and silver are become the currency of the country. How these things have established themselves is difficult to account for: but they are facts, and facts are more powerful than arguments.

As it is probable this letter will undergo a republication in Europe, the remarks here thrown together will serve to show the extreme folly of Britain in resting her hopes of success on the extinction of our paper currency. The expectation is at once so childish and forlorn, that it

places her in the laughable condition of a famished lion watching for prey at a spider's web.

From this account of the currency, the Abbé proceeds to state the condition of America in the winter of 1777, and the spring following; and closes his observations with mentioning the Treaty of Alliance, which was signed in France, and the propositions of the British Ministry, which were rejected in America. But in the manner in which the Abbé has arranged his facts, there is a very material error, that not only he, but other European historians have fallen into; none of them having assigned the true cause why the British proposals were rejected, and all of them have assigned a wrong one.

In the winter of 1778, and spring following, Congress were assembled at York Town, in Pennsylvania, the British were in possession of Philadelphia, and General Washington with the army was encamped in huts at Valley Forge twenty-five miles distant therefrom. To all, who can remember, it was a season of hardship, but not despair; and the Abbé, speaking of this period and its inconveniences, says:

> A multitude of privations, added to so many other misfortunes, might make the Americans regret their former tranquillity, and incline them to an accommoda-

tion with England. In vain had the people been bound to the new government by the sacredness of oaths and the influence of religion. In vain had endeavors been used to convince them that it was impossible to treat safely with a country, in which one Parliament might overturn what should have been established by another. In vain had they been threatened with the eternal resentment of an exasperated and vindictive enemy. It was possible that these distant troubles might not be balanced by the weight of present evils.

So thought the British Ministry, when they sent to the new world public agents, authorized to offer everything except independence to these very Americans, from whom they had two years before exacted an unconditional submission. It is not improbable but, that by this plan of conciliation, a few months sooner, some effect might have been produced. But at the period, at which it was proposed by the Court of London, it was rejected with disdain, because this measure appeared but as an argument of fear and weakness. The people were already reassured. The Congress, the generals, the troops, the bold and skilful men, in each colony had possessed themselves of the authority; every thing had recovered its first spirit. *This was the effect of a treaty of friendship and commerce between the United States and the Court of Versailles, signed the sixth of February, 1778.*

On this passage of the Abbé's I cannot help remarking, that, to unite time with circumstance, is a material nicety in history; the want of which frequently throws it into endless confusion and mistake, occasions a total separation between causes and consequences and connects them with

others they are not immediately, and sometimes not at all, related to.

The Abbé, in saying that the offers of the British Ministry "were rejected with disdain," is *right,* as to the *fact,* but *wrong* as to the *time;* and this error in the time, has occasioned him to be mistaken in the cause.

The signing the Treaty of Paris the sixth of February, 1778, could have no effect on the mind or politics of America, until it was *known in America:* and therefore, when the Abbé says, that the rejection of the British offers was in consequence of the alliance, he must mean, that it was in consequence of the alliance *being known* in America; which was not the case: and by this mistake he not only takes from her the reputation, which her unshaken fortitude in that trying situation deserves, but is likewise led very injuriously to suppose, that had she *not known* of the treaty, the offers would probably have been accepted; whereas she knew nothing of the treaty at the time of the rejection, and consequently did not reject them on that ground.

The propositions or offers above mentioned, were contained in two bills brought into the British Parliament by Lord North, on the seventeenth of February, 1778. Those bills were hur-

ried through both houses with unusual haste, and before they had gone through all the customary forms of Parliament, copies of them were sent over to Lord Howe and General Howe, then in Philadelphia, who were likewise commissioners. General Howe ordered them to be printed in Philadelphia, and sent copies of them by a flag to General Washington, to be forwarded to Congress at York Town, where they arrived the twenty-first of April, 1778. Thus much for the arrival of the bills in America.

Congress, as is their usual mode, appointed a committee from their own body, to examine them and report thereon. The report was brought in the next day, (the twenty-second), was read, and unanimously agreed to, entered on their journals, and published for the information of the country. Now this report must be the rejection to which the Abbé alludes, because Congress gave no other formal opinion on those bills and propositions: and on a subsequent application from the British commissioners, dated the twenty-seventh of May, and received at York Town [Pa.] the sixth of June, Congress immediately referred them for an answer, to their printed resolves of the twenty-second of April. Thus much for the rejection of the offers.

On the second of May, that is, eleven days after the above rejection was made, the treaty between the United States and France arrived at York Town; and until this moment Congress had not the least notice or idea, that such a measure was in any train of execution. But lest this declaration of mine should pass only for assertion, I shall support it by proof, for it is material to the character and principle of the Revolution to show, that no condition of America, since the Declaration of Independence, however trying and severe, ever operated to produce the most distant idea of yielding it up either by force, distress, artifice or persuasion. And this proof is the more necessary, because it was the system of the British Ministry at this time, as well as before and since, to hold out to the European powers that America was unfixed in her resolutions and policy; hoping by this artifice to lessen her reputation in Europe, and weaken the confidence which those powers or any of them might be inclined to place in her.

At the time these matters were transacting, I was secretary in the Foreign Department of Congress. All the *political* letters from the American commissioners rested in my hands, and all that were officially written went from my office;

and so far from Congress knowing anything of the signing the treaty, at the time they rejected the British offers, they had not received a line of information from their commissioners at Paris, on any subject whatever, for upwards of a twelve-month. Probably the loss of the port of Philadelphia and the navigation of the Delaware, together with the danger of the seas, covered at this time with British cruisers, contributed to the disappointment.

One packet, it is true, arrived at York Town in January preceding, which was about three months before the arrival of the treaty; but, strange as it may appear, every letter had been taken out, before it was put on board the vessel which brought it from France, and blank white paper put in their stead.

Having thus stated the time when the proposals from the British commissioners were first received, and likewise the time when the Treaty of Alliance arrived, and shown that the rejection of the former was eleven days prior to the arrival of the latter, and without the least knowledge of such circumstance having taken place or being about to take place; the rejection, therefore, must, and ought to be attributed to the fixed, unvaried sentiments of America respecting the

enemy she is at war with, and her determination to support her independence to the last public effort, and not to any new circumstance which had taken place in her favor, which at that time she did not and could not know of.

Besides, there is a vigor of determination and spirit of defiance in the language of the rejection, (which I here subjoin), which derive their greatest glory by appearing before the treaty was known; for that which is bravery in distress, becomes insult in prosperity: and the treaty placed America on such a strong foundation, that had she then known it, the answer which she gave, would have appeared rather as an air of triumph, than as the glowing serenity of fortitude.

Upon the whole, the Abbé appears to have entirely mistaken the matter; for instead of attributing the rejection of the propositions to *our knowledge* of the Treaty of Alliance; he should have attributed the origin of them in the British Cabinet, to *their knowledge* of that event. And then the reason why they were hurried over to America in the state of bills, that is, before they were passed into acts, is easily accounted for, which is that they might have the chance of reaching America before any knowledge of the treaty should arrive, which they were lucky enough to

do, and there met the fate they so richly merited.

That these bills were brought into the British Parliament after the treaty with France was signed, is proved from the dates: the treaty being on the sixth, and the bills on the seventeenth of February. And that the signing the treaty was known in Parliament, when the bills were brought in, is likewise proved by a speech of Mr. Fox, on the said seventeenth of February, who, in reply to Lord North, informed the House of the treaty being signed, and challenged the Minister's knowledge of the same fact.*

* In Congress, April 22, 1788.

The committee to whom was referred the General's letter of the eighteenth, containing a certain printed paper sent from Philadelphia, purporting to be the draft of a bill for declaring the *intentions* of the Parliament of Great Britain, as to the *exercise* of what they are pleased to term their *right* of imposing taxes within these United States: and also the draft of a bill to enable the King of Great Britain to appoint commissioners, with powers to treat, consult, and agree upon the means of quieting certain disorders within the said states, beg leave to observe,

That the said paper being industriously circulated by emissaries of the enemy, in a partial and secret manner, the same ought to be forthwith printed for the public information.

The committee cannot ascertain whether the contents of the said paper have been framed in Philadelphia, or in Great Britain, much less whether the same are really and truly intended to be brought into the Parliament of that Kingdom, or whether the said Parliament will confer thereon the usual solemnities of their laws. But are inclined to believe this will happen, for the following reasons:

1st, Because their General hath made divers feeble efforts to set on foot some kind of treaty during the last winter, though, either from a mistaken idea of his own dignity and importance, the want of information, or some other cause, he hath not made application to those who are invested with a proper authority.

Though I am not surprised to see the Abbé mistaken in matters of history, acted at such a distance from his sphere of immediate observation, yet I am more than surprised to find him

2d, Because they suppose that the fallacious idea of a cessation of hostilities will render these states remiss in their preparations for war.

3d, Because believing the Americans wearied with war, they suppose we will accede to their terms for the sake of peace.

4th, Because they suppose our negotiations may be subject to a like corrupt influence with their debates.

5th, Because they expect from this step the same effects they did from what one of their ministers thought proper to call *his conciliatory motion, viz.,* that it will prevent foreign powers from giving aid to these states; that it will lead their own subjects to continue a little longer the present war: and that it will detach some weak men in America, from the cause of freedom and virtue.

6th, Because their King, from his own showing, hath reason to apprehend that his fleets and armies, instead of being employed against the territories of these states, will be necessary for the defense of his own dominions. And,

7th, Because the impracticability of subjugating this country being every day more and more manifest, it is their interest to extricate themselves from the war upon any terms.

The committee beg leave further to observe, that upon a supposition the matters contained in the said paper will really go into the British statute books, they serve to show, in a clear point of view, the weakness and wickedness of the enemy.

Their weakness.

1st, Because they formerly declared, not only that they had a right to bind the inhabitants of these states in all cases whatsoever, but also that the said inhabitants should *absolutely* and *unconditionally* submit to the exercise of that right. And this submission they have endeavored to exact by the sword. Receding from this claim, therefore, under the present circumstances, shows their inability to enforce it.

2d, Because their Prince hath heretofore rejected the humblest petitions of the representatives of America, praying to be considered as subjects, and protected in the enjoyment of

wrong (or at least what appears so to me) in the well enlightened field of philosophical reflection. Here the materials are his own; created by himself; and the error, therefore, is an act of the mind.

peace, liberty and safety: and hath waged a most cruel war against them, and employed the savages to butcher innocent women and children. But now the same Prince pretends to treat with those very representatives, and grant to the *arms* of America what he refused to her *prayers*.

3d, Because they have uniformly labored to conquer this continent, rejecting every idea of accommodation proposed to them, from a confidence in their own strength. Wherefore it is evident, from the change in their mode of attack, that they have lost this confidence. And,

4th, Because the constant language, spoken, not only by their ministers, but by the most public and authentic acts of the nation, hath been, that it is incompatible with their dignity to treat with the Americans while they have arms in their hands. Notwithstanding which, an offer is now about to be made for treaty.

The wickedness and insincerity of the enemy appear from the following considerations:

1st, Either the *bills* now to be passed contain a direct or indirect cession of a part of their former claims, or they do not. If they do, then it is acknowledged that they have sacrificed many brave men in an unjust quarrel. If they do not, then they are calculated to deceive America into terms, to which neither argument before the war, nor force since, could procure her assent.

2d, The first of these *bills* appears, from the title, to be a declaration of the *intentions* of the British Parliament concerning the exercise of the *right of imposing taxes* within these states. Wherefore, should these states treat under the said bill, they would *indirectly* acknowledge that right, to obtain which acknowledgment the present war hath been avowedly undertaken and prosecuted on the part of Great Britain.

3d, Should such pretended right be so acquiesced in, then, of consequence the same right might be exercised whenever the British Parliament should find themselves in a different *temper* and *disposition;* since it must depend upon those, and such like

Hitherto my remarks have been confined to circumstance; the order in which they arose, and the events they produced. In these, my information being better than the Abbé's, my task was

contingencies, how far men will act according to their former *intentions.*

4th, The said first bill, in the body thereof, containeth no new matter, but is precisely the same with the motion beforementioned, and liable to all the objections which lay against the said motion, excepting the following particular, viz., that *by the motion* actual taxation was to be suspended, so long as America should give as much as the said Parliament might think proper: whereas, *by the proposed* bill, it is to be suspended, as long as future parliaments continue of the same mind with the present.

5th, From the second bill it appears, that the British King may, if he pleases, appoint commissioners to *treat* and *agree* with those, whom they please, about a variety of things therein mentioned. But such treaties and agreements are to be of no validity without the concurrence of the said Parliament, except so far as they relate to the *suspension* of hostilities, and of certain of their acts, the granting of pardons, and the appointing of governors to these sovereign, free and independent states. Wherefore, the said Parliament have reserved to themselves, in *express words,* the power of setting aside any such treaty, and taking the advantage of any circumstances which may arise to subject this continent to their usurpations.

6th, The said bill, by holding forth a tender of pardon, implies a criminality in our justifiable resistance, and consequently, to treat under it would be an implied acknowledgment that the inhabitants of these states were what Britain has declared them to be, *Rebels.*

7th, The inhabitants of these states being claimed by them as subjects, they may infer, from the nature of the negotiation now pretended to be set on foot, that the said inhabitants would of right be afterwards bound by such laws as they should make. Wherefore, any agreement entered into on such negotiation might at any future time be repealed. And,

8th, Because the said bill purports, that the commissioners therein mentioned may treat with private individuals: a measure highly derogatory to the dignity of national character.

easy. How I may succeed in controverting matters of sentiment and opinion, with one whom years, experience, and long established reputation have placed in a superior line, I am less con-

From all which it appears evident to your committee, that the said bills are intended to operate upon the hopes and fears of the good people of these states, so as to create divisions among them, and a defection from the common cause, now by the blessing of Divine Providence drawing near to a favorable issue. That they are the sequel of that insidious plan, which from the days of the Stamp Act down to the present time, hath involved this country in contention and bloodshed. And that, as in other cases so in this, although circumstances may force them at times to recede from the unjustifiable claims, there can be no doubt but they will as heretofore, upon the first favorable occasion, again display that lust of domination, which hath rent in twain the mighty empire of Britain.

Upon the whole matter, the committee beg leave to report it as their opinion, that as the Americans united in this arduous contest upon principles of common interest, for the defense of common rights and privileges, which union hath been cemented by common calamities and by mutual good offices and affection, so the great cause for which they contend, and in which all mankind are interested, must derive its success from the continuance of that union. Wherefore, any man, or body of men, who should presume to make any separate or partial convention or agreement with commissioners under the Crown of Great Britain, or any of them, ought to be considered and treated as open and avowed enemies of the United States.

And further your committee beg leave to report it as their opinion, that these United States cannot with propriety, hold any conference or treaty with *any* commissioners on the part of Great Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or else, in positive and express terms, acknowledge the independence of the said states.

And inasmuch as it appears to be the design of the enemies of these states to lull them into a fatal security—to the end that they may act with becoming weight and importance, it is the opinion of your committee, that the several states be called upon to use the utmost strenuous exertions to have their respective

fident in; but as they fall within the scope of my observations it would be improper to pass them over.

From this part of the Abbé's work to the latter end, I find several expressions, which appear to me to start, with cynical complexion, from the path of liberal thinking, or at least they are so involved as to lose many of the beauties which distinguish other parts of the performance.

The Abbé having brought his work to the

quotas of Continental troops in the field as soon as possible, and that all the militia of the said states be held in readiness, to act as occasion may require.

The following is the answer of Congress to the second application of the commissioners:

"Sir: York Town, June 6, 1778.

"I have had the honor of laying your letter of the third instant, with the acts of the British Parliament which came inclosed, before Congress: and I am instructed to acquaint you, Sir, that they have already expressed their sentiments upon bills, not essentially different from those acts, in a publication of the twenty-second of April last.

"Be assured, Sir, when the King of Great Britain shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace, as may consist with the honor of independent nations, the interest of their constituents and the sacred regard they mean to pay to treaties. I have the honor to be, Sir,

Your most obedient, and
most humble servant.
HENRY LAURENS,
President of Congress."

His Excellency,
Sir Henry Clinton, K. B. Philadelphia.

period when the Treaty of Alliance between France and the United States commenced, proceeds to make some remarks thereon.

> In short, (says he), philosophy, whose first sentiment is the desire to see all governments just and all people happy, in casting her eyes upon this alliance of a monarchy, with a people who are defending their liberty, *is curious to know its motive. She sees at once too clearly, that the happiness of mankind has no part in it.*

Whatever train of thinking or of temper the Abbé might be in, when he penned this expression, matters not. They will neither qualify the sentiment, nor add to its defect. If right, it needs no apology; if wrong, it merits no excuse. It is sent into the world as an opinion of philosophy, and may be examined without regard to the author.

It seems to be a defect, connected with ingenuity, that it often employs itself more in matters of curiosity, than usefulness. Man must be the privy councillor of fate, or something is not right. He must know the springs, the whys and wherefores of everything, or he sits down unsatisfied. Whether this be a crime, or only a caprice of humanity, I am not inquiring into. I shall take the passage as I find it, and place my objections against it.

It is not so properly the *motives* which *produced* the alliance, as the *consequences* which are to be *produced from it,* that mark out the field of philosophical reflection. In the one we only penetrate into the barren cave of secrecy, where little can be known, and everything may be misconceived; in the other, the mind is presented with a wide extended prospect of vegetative good, and sees a thousand blessings budding into existence.

But the expression, even within the compass of the Abbé's meaning, sets out with an error, because it is made to declare that which no man has authority to declare. Who can say that the happiness of mankind made *no part of the motives* which produced the alliance? To be able to declare this, a man must be possessed of the mind of all the parties concerned, and know that their motives were something else.

In proportion as the independence of America became contemplated and understood, the local advantages of it to the immediate actors, and the numerous benefits it promised mankind, appeared to be every day increasing; and we saw not a temporary good for the present race only, but a continued good to all posterity; these motives, therefore, added to those which preceded them, became the motives on the part of Amer-

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ica, which led her to propose and agree to the Treaty of Alliance, as the best effectual method of extending and securing happiness; and therefore, with respect to us, the Abbé is wrong.

France, on the other hand, was situated very differently. She was not acted upon by necessity to seek a friend, and therefore her motive in becoming one, has the strongest evidence of being good, and that which is so, must have some happiness for its object. With regard to herself, she saw a train of conveniences worthy her attention. By lessening the power of an enemy, whom at the same time she sought neither to destroy nor distress, she gained an advantage without doing an evil, and created to herself a new friend by associating with a country in misfortune.

The springs of thought that lead to actions of this kind, however political they may be, are nevertheless naturally beneficent; for in all causes, good or bad, it is necessary there should be a fitness in the mind, to enable it to act in character with the object: therefore, as a bad cause cannot be prosecuted with a good motive, so neither can a good cause be long supported by a bad one: and as no man acts without a motive, therefore in the present instance, as they cannot

be bad, they must be admitted to be good. But the Abbé sets out upon such an extended scale, that he overlooks the degrees by which it is measured, and rejects the beginning of good, because the end comes not out at once.

It is true that bad motives may in some degree be brought to support a good cause or prosecute a good object; but it never continues long, which is not the case with France; for either the object will reform the mind, or the mind corrupt the object, or else not being able, either way, to get into unison, they will separate in disgust: and this natural, though unperceived progress of association or contention between the mind and the object, is the secret cause of fidelity or defection. Every object a man pursues, is, for the time, a kind of mistress to his mind: if both are good or bad, the union is natural; but if they are in reverse, and neither can seduce nor yet reform the other, the opposition grows into dislike, and a separation follows.

When the cause of America first made its appearance on the stage of the universe, there were many, who, in the style of adventurers and fortune-hunters, were dangling in its train, and making their court to it with every profession of honor and attachment. They were loud in its

praise and ostentatious in its service. Every place echoed with their ardor or their anger, and they seemed like men in love. But, alas! they were fortune-hunters. Their expectations were excited, but their minds were unimpressed; and finding it not to their purpose, nor themselves reformed by its influence, they ceased their suit, and in some instances deserted and betrayed it.

There were others, who at first beheld America with indifference, and unacquainted with her character were cautious of her company. They treated her as one who, under the fair name of liberty, might conceal the hideous figure of anarchy, or the gloomy monster of tyranny. They knew not what she was. If fair, she was fair indeed. But still she was suspected and though born among us appeared to be a stranger.

Accident with some, and curiosity with others, brought on a distant acquaintance. They ventured to look at her. They felt an inclination to speak to her. One intimacy led to another, till the suspicion wore away, and a change of sentiment gradually stole upon the mind; and having no self-interest to serve, no passion of dishonor to gratify, they became enamored of her innocence, and, unaltered by misfortune or unin-

fluenced by success, shared with fidelity in the varieties of her fate.

This declaration of the Abbé's respecting motives, has led me unintentionally into a train of metaphysical reasoning; but there was no other avenue by which it could properly be approached. To place presumption against presumption, assertion against assertion, is a mode of opposition that has no effect; and therefore the more eligible method was to show that the declaration does not correspond with the natural progress of the mind, and the influence it has upon our conduct. I shall now quit this part and proceed to what I have before stated, namely, that it is not so properly the motives which produced the alliance, as the consequences to be procured from it, that mark out the field of philosophical reflection.

It is an observation I have already made in some former publications, that the circle of civilization is yet incomplete. Mutual wants have formed the individuals of each country into a kind of national society, and here the progress of civilization has stopped. For it is easy to see, that nations with regard to each other (notwithstanding the ideal civil law, which every one explains as it suits him) are like individuals in a state of nature. They are regulated by no fixed

principle, governed by no compulsive law, and each does independently what it pleases or what it can.

Were it possible we could have known the world when in a state of barbarism, we might have concluded that it never could be brought into the order we now see it. The untamed mind was then as hard, if not harder, to work upon in its individual state, than the national mind is in its present one. Yet we have seen the accomplishment of one, why then should we doubt that of the other?

There is a greater fitness in mankind to extend and complete the civilization of nations with each other at this day, than there was to begin it with the unconnected individuals at first; in the same manner that it is somewhat easier to put together the materials of a machine after they are formed, than it was to form them from original matter. The present condition of the world, differing so exceedingly from what it formerly was, has given a new cast to the mind of man, more than what he appears to be sensible of. The wants of the individual, which first produced the idea of society, are now augmented into the wants of the nation, and he is obliged to

seek from another country what before he sought from the next person.

Letters, the tongue of the world, have in some measure brought all mankind acquainted, and by an extension of their uses are every day promoting some new friendship. Through them distant nations become capable of conversation, and losing by degrees the awkwardness of strangers, and the moroseness of suspicion, they learn to know and understand each other. Science, the partisan of no country, but the beneficent patroness of all, has liberally opened a temple where all may meet. Her influence on the mind, like the sun on the chilled earth, has long been preparing it for higher cultivation and further improvement. The philosopher of one country sees not an enemy in the philosopher of another: he takes his seat in the temple of science, and asks not who sits beside him.

This was not the condition of the barbarian world. Then the wants of men were few and the objects within his reach. While he could acquire these, he lived in a state of individual independence; the consequence of which was, there were as many nations as persons, each contending with the other, to secure something which he had, or to obtain something which he had not. The

world had then no business to follow, no studies to exercise the mind. Their time was divided between sloth and fatigue. Hunting and war were their chief occupations; sleep and food their principal enjoyments.

Now it is otherwise. A change in the mode of life has made it necessary to be busy; and man finds a thousand things to do now which before he did not. Instead of placing his ideas of greatness in the rude achievements of the savage, he studies arts, sciences, agriculture and commerce, the refinements of the gentleman, the principles of society, and the knowledge of the philosopher.

There are many things which in themselves are neither morally good nor bad, but they are productive of consequences, which are strongly marked with one or other of these characters. Thus commerce, though in itself a moral nullity, has had a considerable influence in tempering the human mind. It was the want of objects in the ancient world, which occasioned in them such a rude and perpetual turn for war. Their time hung on their hands without the means of employment. The indolence they lived in afforded leisure for mischief, and being all idle at once, and equal in their circumstances, they were easily provoked or induced to action.

But the introduction of commerce furnished the world with objects, which, in their extent, reach every man, and give him something to think about and something to do; by these his attention is mechanically drawn from the pursuits which a state of indolence and an unemployed mind occasioned, and he trades with the same countries, which in former ages, tempted by their productions, and too indolent to purchase them, he would have gone to war with.

Thus, as I have already observed, the condition of the world being materially changed by the influence of science and commerce, it is put into a fitness not only to admit of, but to desire, an extension of civilization. The principal and almost only remaining enemy, it now has to encounter, is *prejudice;* for it is evidently the interest of mankind to agree and make the best of life. The world has undergone its divisions of empire, the several boundaries of which are known and settled. The idea of conquering countries, like the Greeks and Romans, does not now exist; and experience has exploded the notion of going to war for the sake of profit. In short, the objects for war are exceedingly diminished, and there is now left scarcely anything to quarrel about, but what arises from that

demon of society, prejudice, and the consequent sullenness and untractableness of the temper.

There is something exceedingly curious in the constitution and operation of prejudice. It has the singular ability of accommodating itself to all the possible varieties of the human mind. Some passions and vices are but thinly scattered among mankind, and find only here and there a fitness of reception. But prejudice, like the spider, makes every place its home. It has neither taste nor choice of situation, and all that it requires is room. Everywhere, except in fire or water, a spider will live.

So, let the mind be as naked as the walls of an empty and forsaken tenement, gloomy as a dungeon, or ornamented with the richest abilities of thinking, let it be hot, cold, dark or light, lonely or inhabited, still prejudice, if undisturbed, will fill it with cobwebs, and live, like the spider, where there seems nothing to live on. If the one prepares her food by poisoning it to her palate and her use, the other does the same; and as several of our passions are strongly characterized by the animal world, prejudice may be denominated the spider of the mind.

Perhaps no two events ever united so intimately and forcibly to combat and expel preju-

dice, as the Revolution of America and the alliance with France. Their effects are felt, and their influence already extends as well to the Old World as the New. Our style and manner of thinking have undergone a revolution more extraordinary than the political revolution of the country. We see with other eyes; we hear with other ears; and think with other thoughts, than those we formerly used. We can look back on our own prejudices, as if they had been the prejudices of other people.

We now see and know they were prejudices and nothing else; and, relieved from their shackles, enjoy a freedom of mind, we felt not before. It was not all the argument, however powerful, nor the reasoning, however eloquent, that could have produced this change, so necessary to the extension of the mind, and the cordiality of the world, without the two circumstances of the Revolution and the alliance.

Had America dropped quietly from Britain, no material change in sentiment had taken place. The same notions, prejudices, and conceits would have governed in both countries, as governed them before, and, still the slaves of error and education, they would have traveled on in the beaten track of vulgar and habitual thinking.

But brought about by the means it has been, both with regard to ourselves, to France and England, every corner of the mind is swept of its cobwebs, poison and dust, and made fit for the reception of generous happiness.

Perhaps there never was an alliance on a broader basis, than that between America and France, and the progress of it is worth attending to. The countries had been enemies, not properly of themselves, but through the medium of England. They originally had no quarrel with each other, nor any cause for one, but what arose from the interest of England, and her arming America against France. At the same time, the Americans at a distance from, and unacquainted with, the world, and tutored in all the prejudices which governed those who governed them, conceived it their duty to act as they were taught. In doing this, they expended their substance to make conquests, not for themselves, but for their masters, who in return treated them as slaves.

A long succession of insolent severity, and the separation finally occasioned by the commencement of hostilities at Lexington, on the nineteenth of April, 1775, naturally produced a new disposition of thinking. As the mind closed itself toward England, it opened itself toward the

world, and our prejudices like our oppressions, underwent, though less observed, a mental examination; until we found the former as inconsistent with reason and benevolence, as the latter were repugnant to our civil and political rights.

While we were thus advancing by degrees into the wide field of extended humanity, the alliance with France was concluded. An alliance not formed for the mere purpose of a day, but on just and generous grounds, and with equal and mutual advantages; and the easy, affectionate manner in which the parties have since communicated has made it an alliance not of courts only, but of countries. There is now an union of mind as well as of interest; and our hearts as well as our prosperity call on us to support it.

The people of England not having experienced this change, had likewise no ideas of it. They were hugging to their bosoms the same prejudices we were trampling beneath our feet; and they expected to keep a hold upon America, by that narrowness of thinking which America disdained. What they were proud of, we despised; and this is a principal cause why all their negotiations, constructed on this ground, have failed. We are now really another people, and cannot again go back to ignorance and prejudice.

The mind once enlightened cannot again become dark. There is no possibility, neither is there any term to express the supposition by, of the mind *un*knowing anything it already knows; and therefore all attempts on the part of England, fitted to the former habit of America, and on the expectation of their applying now, will be like persuading a seeing man to become blind, and a sensible one to turn an idiot. The first of which is unnatural and the other impossible.

As to the remark which the Abbé makes on the one country being a monarchy and the other a republic, it can have no essential meaning. Forms of government have nothing to do with treaties. The former are the internal police of the countries severally; the latter their external police jointly: and so long as each performs its part, we have no more right or business to know how the one or the other conducts its domestic affairs, than we have to inquire into the private concerns of a family.

But had the Abbé reflected for a moment, he would have seen, that courts, or the governing powers of all countries, be their forms what they may, are relatively republics with each other. It is the first and true principle of alliance. Antiquity may have given precedence, and power

will naturally create importance, but their equal right is never disputed. It may likewise be worthy of remarking, that a monarchical country can suffer nothing in its popular happiness by an alliance with a republican one; and republican governments have never been destroyed by their external connections, but by some internal convulsion or contrivance. France has been in alliance with the Republic of Switzerland for more than two hundred years, and still Switzerland retains her original form of government as entire as if she had been allied with a republic like herself; therefore this remark of the Abbé should go for nothing. Besides it is best mankind should mix. There is ever something to learn, either of manners or principle; and it is by a free communication, without regard to domestic matters, that friendship is to be extended and prejudice destroyed all over the world.

But notwithstanding the Abbé's high profession in favor of liberty, he appears sometimes to forget himself, or that his theory is rather the child of his fancy than of his judgment: for in almost the same instant that he censures the alliance, as not originally or sufficiently calculated for the happiness of mankind, he, by a figure of implication, accuses France for having acted so

generously and unreservedly in concluding it. "Why did they (says he, meaning the Court of France) tie themselves down by an inconsiderate treaty to conditions with the Congress, which they might themselves have held in dependence by ample and regular supplies?"

When an author undertakes to treat of public happiness he ought to be certain that he does not mistake passion for right, nor imagination for principle. Principle, like truth, needs no contrivance. It will ever tell its own tale, and tell it the same way. But where this is not the case, every page must be watched, recollected, and compared like an invented story.

I am surprised at this passage of the Abbé's. It means nothing or it means ill; and in any case it shows the great difference between speculative and practical knowledge. A treaty according to the Abbé's language would have neither duration nor affection: it might have lasted to the end of the war, and then expired with it. But France, by acting in a style superior to the little politics of narrow thinking, has established a generous fame and won the love of a country she was before a stranger to. She had to treat with a people who thought as nature taught them; and, on her own part, she wisely

saw there was no present advantage to be obtained by unequal terms, which could balance the more lasting ones that might flow from a kind and generous beginning.

From this part the Abbé advances into the secret transactions of the two cabinets of Versailles and Madrid respecting the independence of America; through which I mean not to follow him. It is a circumstance sufficiently striking without being commented on, that the former union of America with Britain produced a power which, in her hands, was becoming dangerous to the world: and there is no improbability in supposing, that had the latter known as much of the strength of the former, before she began the quarrel, as she has known since, that instead of attempting to reduce her to unconditional submission, she would have proposed to her the conquest of Mexico. But from the countries separately, Spain has nothing to apprehend, though from their union she had more to fear than any other power in Europe.

The part which I shall more particularly confine myself to, is that wherein the Abbé takes an opportunity of complimenting the British Ministry with high encomiums of admiration, on their

rejecting the offered mediation of the Court of Madrid, in 1779.

It must be remembered that before Spain joined France in the war, she undertook the office of a mediator, and made proposals to the British King and Ministry so exceedingly favorable to their interest, that had they been accepted, would have become inconvenient, if not inadmissible, to America. These proposals were nevertheless rejected by the British Cabinet; on which the Abbé says—

> It is in such a circumstance as this; it is in the time when noble pride elevates the soul superior to all terror; when nothing is seen more dreadful than the shame of receiving the law, and when there is no doubt or hesitation which to choose, between ruin and dishonor; it is then, that the greatness of a nation is displayed. I acknowledge, however, that men, accustomed to judge of things by the event, call great and perilous resolutions heroism or madness, according to the good or bad success with which they have been attended. If then, I should be asked, what is the name which shall in years to come be given to the firmness, which was in this moment exhibited by the English, I shall answer that I do not know. But that which it deserves I know. I know that the annals of the world hold out to us but rarely, the august and majestic spectacle of a nation, which chooses rather to renounce its duration than its glory.

In this paragraph the conception is lofty and the expression elegant, but the coloring is too

high for the original, and the likeness fails through an excess of graces. To fit the powers of thinking and the turn of language to the subject, so as to bring out a clear conclusion that shall hit the point in question and nothing else, is the true criterion of writing. But the greater part of the Abbé's writings (if he will pardon me the remark) appear to me uncentral and burdened with variety. They represent a beautiful wilderness without paths; in which the eye is diverted by everything without being particularly directed to anything; and in which it is agreeable to be lost, and difficult to find the way out.

Before I offer any other remark on the spirit and composition of the above passage, I shall compare it with the circumstance it alludes to.

The circumstance then does not deserve the encomium. The rejection was not prompted by her fortitude but her vanity. She did not view it as a case of despair or even of extreme danger, and consequently the determination to renounce her duration rather than her glory, cannot apply to the condition of her mind. She had then high expectations of subjugating America, and had no other naval force against her than France; neither was she certain that rejecting the mediation of Spain would combine that power with

France. New meditations might arise more favorable than those she had refused. But if they should not, and Spain should join, she still saw that it would only bring out her naval force against France and Spain, which was not wanted and could not be employed against America, and habits of thinking had taught her to believe herself superior to both.

But in any case to which the consequence might point, there was nothing to impress her with the idea of renouncing her duration. It is not the policy of Europe to suffer the extinction of any power, but only to lop off or prevent its dangerous increase. She was likewise freed by situation from the internal and immediate horrors of invasion; was rolling in dissipation and looking for conquests; and though she suffered nothing but the expense of war, she still had a greedy eye to magnificent reimbursement.

But if the Abbé is delighted with high and striking singularities of character, he might, in America, have found ample field for encomium. Here was a people, who could not know what part the world would take for, or against them; and who were venturing on an untried scheme, in opposition to a power, against which more formidable nations had failed. They had every-

thing to learn but the principles which supported them, and everything to procure that was necessary for their defense. They have at times seen themselves as low as distress could make them, without showing the least decrease of fortitude; and been raised again by the most unexpected events, without discovering an unmanly discomposure of joy. To hesitate or to despair are conditions equally unknown in America. Her mind was prepared for everything; because her original and final resolution of succeeding or perishing included all possible circumstances.

The rejection of the British propositions in the year 1778, circumstanced as America was at that time, is a far greater instance of unshaken fortitude than the refusal of the Spanish mediation by the Court of London: and other historians, besides the Abbé, struck with the vastness of her conduct therein, have, like himself, attributed it to a circumstance which was then unknown, the alliance with France. Their error shows their idea of its greatness; because in order to account for it, they have sought a cause suited to its magnitude, without knowing that the cause existed in the principles of the country.*

* Extract from "A short Review of the present Reign," in England, p. 45, in the new "Annual Register," for the year 1780.

But this passionate encomium of the Abbé is deservedly subject to moral and philosophical objections. It is the effusion of wild thinking, and has a tendency to prevent that humanity of reflection which the criminal conduct of Britain enjoins on her as a duty. It is a laudanum to courtly iniquity. It keeps in intoxicated sleep the conscience of a nation; and more mischief is effected by wrapping up guilt in splendid excuse, than by directly patronizing it.

Britain is now the only country which holds the world in disturbance and war; and instead of paying compliments to the excess of her crimes, the Abbé would have appeared much more in character, had he put to her, or to her monarch, this serious question—

Are there not miseries enough in the world, too difficult to be encountered and too pointed to be born, without studying to enlarge the list and arming it with new destruction? Is life so

"The commissioners, who, in consequence of Lord North's conciliatory bills, went over to America, to propose terms of peace to the colonies, were wholly unsuccessful. The concessions which formerly would have been received with the utmost gratitude, were rejected with disdain. Now was the time of American pride and haughtiness. It is probable, however, that it was not pride and haughtiness alone that dictated the resolutions of Congress, but a distrust of the sincerity of the offers of Britain, a determination not to give up their independence, and, *above all, the engagements into which they had entered by their late treaty with France.*"

very long that it is necessary, nay even a duty, to shake the sand and hasten out the period of duration? Is the path so elegantly smooth, so decked on every side and carpeted with joys, that wretchedness is wanted to enrich it as a soil? Go ask thine aching heart, when sorrow from a thousand causes wounds it, go ask thy sickened self, when every medicine fails, whether this be the case or not?

Quitting my remarks on this head, I proceed to another, in which the Abbé has let loose a vein of ill-nature, and, what is still worse, of injustice.

After cavilling at the treaty, he goes on to characterize the several parties combined in the war.

> Is it possible, (says the Abbé), that a strict union should long subsist amongst confederates, of characters so opposite as the hasty, light, disdainful Frenchman, the jealous, haughty, sly, slow, circumspect Spaniard, and the American, who is secretly snatching a look at the mother country, and would rejoice, were they compatible with his independence, at the disasters of his allies?

To draw foolish portraits of each other, is a mode of attack and reprisal, which the greater part of mankind are fond of indulging. The serious philosopher should be above it, more especially in cases from which no good can arise, and

mischief may, and where no received provocation can palliate the offense. The Abbé might have invented a difference of character for every country in the world, and they in return might find others for him, till in the war of wit all real character is lost. The pleasantry of one nation or the gravity of another may, by a little pencilling, be distorted into whimsical features, and the painter becomes as much laughed at as the painting.

But why did not the Abbé look a little deeper, and bring forth the excellencies of the several parties?—Why did he not dwell with pleasure on that greatness of character, that superiority of heart, which has marked the conduct of France in her conquests, and which has forced an acknowledgment even from Britain?

There is one line, at least, (and many others might be discovered,) in which the confederates unite; which is, that of a rival eminence in their treatment of their enemies. Spain, in her conquest of Minorca and the Bahama Islands, confirms this remark. America has been invariable in her lenity from the beginning of the war, notwithstanding the high provocations she has experienced. It is England only who has been insolent and cruel.

But why must America be charged with a crime undeserved by her conduct, more so by her principles, and which, if a fact, would be fatal to her honor? I mean the want of attachment to her allies, or rejoicing in their disasters. She, it is true, has been assiduous in showing to the world that she was not the aggressor toward England, and that the quarrel was not of her seeking, or, at that time, even of her wishing. But to draw inferences from her candor, and even from her justification, to stab her character by, (and I see nothing else from which they can be supposed to be drawn,) is unkind and unjust.

Does her rejection of the British propositions in 1778, before she knew of any alliance with France, correspond with the Abbé's description of her mind? Does a single instance of her conduct since that time justify it?—But there is a still better evidence to apply to, which is, that of all the mails which, at different times, have been waylaid on the road, in divers parts of America, and taken and carried into New York, and from which the most secret and confidential private letters, as well as those from authority, have been published, not one of them, I repeat it, not a single one of them, gave countenance to such a charge.

This is not a country where men are under government restraint in speaking; and if there is any kind of restraint, it arises from a fear of popular resentment. Now if nothing in her private or public correspondence favors such a suggestion, and if the general disposition of the country is such as to make it unsafe for a man to show an appearance of joy at any disaster to her ally, on what grounds, I ask, can the accusation stand? What company the Abbé may have kept in France, we cannot know; but this we know, that the account he gives does not apply to America.

Had the Abbé been in America at the time the news arrived of the disaster of the fleet under Count de Grasse, in the West Indies, he would have seen his vast mistake. Neither do I remember any instance, except the loss of Charleston, in which the public mind suffered more severe and pungent concern, or underwent more agitations of hope and apprehension as to the truth or falsehood of the report. Had the loss been all our own, it could not have had a deeper effect; yet it was not one of those cases which reached to the independence of America.

In the geographical account which the Abbé gives of the thirteen states, he is so exceedingly

erroneous, that to attempt a particular refutation, would exceed the limits I have prescribed to myself. And as it is a matter neither political, historical, or sentimental, and which can always be contradicted by the extent and natural circumstances of the country, I shall pass it over; with this additional remark, that I never yet saw an European description of America that was true, neither can any person gain a just idea of it, but by coming to it.

Though I have already extended this letter beyond what I at first proposed, I am, nevertheless, obliged to omit many observations, I originally designed to have made. I wish there had been no occasion for making any. But the wrong ideas which the Abbé's work had a tendency to excite, and the prejudicial impressions they might make, must be an apology for my remarks, and the freedom with which they are made.

I observe the Abbé has made a sort of epitome of a considerable part of the pamphlet "Common Sense," and introduced it in that form into his publication. But there are other places where the Abbé has borrowed freely from the said pamphlet without acknowledging it. The difference between society and government, with which

the pamphlet opens, is taken from it, and in some expressions almost literally, into the Abbé's work, as if originally his own; and through the whole of the Abbé's remarks on this head, the idea in "Common Sense" is so closely copied and pursued, that the difference is only in words, and in the arrangement of the thoughts, and not in the thoughts themselves.*

* Common Sense.	Abbé Raynal.
"Some writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins."	"Care must be taken not to confound together society with government. That they may be known distinctly, their origin should be considered."
"Society is produced by our wants and governments by our wickedness; the former promotes our happiness *positively*, by uniting our affections — the latter *negatively*, by restraining our vices."	"Society originates in the wants of men, government in their vices. Society tends always to good — government ought always to tend to the repression of evil."

In the following paragraphs there is less likeness in the language, but the ideas in the one are evidently copied from the other.

"In order to gain a clear and just idea of the design and end of government, let us suppose a small number of persons, meeting in some sequestered part of the earth, unconnected with the rest; they will then represent the peopling of any country or of the world. In this state of natural liberty, society will be their first thought. A thousand motives	"Man, thrown, as it were, by chance upon the globe, surrounded by all the evils of nature, obliged continually to defend and protect his life against the storms and tempests of the air, against the inundations of water, against the fire of volcanoes, against the intemperance of frigid and torrid zones, against the sterility of the earth which refuses him

But as it is time that I should come to the end of my letter, I shall forbear all future observations on the Abbé's work, and take a concise view

will excite them thereto. The strength of one man is so unequal to his wants, and his mind so unfitted for perpetual solitude, that he is soon obliged to seek assistance of another, who, in his turn, requires the same. Four or five united would be able to raise a tolerable dwelling in the midst of a wilderness; but *one* man might labor out the common period of life, without accomplishing anything; after he has felled his timber, he could not remove it, nor erect it after it was removed — hunger, in the mean time would urge him from his work, and every different want call him a different way.

"Disease, nay, even misfortune would be death—for although neither might be immediately mortal, yet either of them would disable him from living, and reduce him to a state in which he might rather be said to perish than to die. Thus necessity, like a gravitating power, would form our newly arrived emigrants into society, the reciprocal benefits of which would supersede and render the obligations of law and government unnecessary, while they remained perfectly just to each other. But as nothing but heaven is impregnable to vice, aliment, or its baneful fecundity, which makes poison spring up beneath his feet—in short against the teeth and claws of savage beasts, who dispute with him his habitation and his prey, and, attacking his person, seem resolved to render themselves rulers of this globe, of which he thinks himself to be the master: Man, in this state, alone and abandoned to himself, could do nothing for his preservation. It was necessary, therefore, that he should unite himself, and associate with his like, in order to bring together their strength and intelligence in common stock.

"It is by this union that he has triumphed over so many evils, that he has fashioned this globe to his use, restrained the rivers, subjugated the seas, insured his subsistence, conquered a part of the animals in obliging them to serve him, and driven others far from his empire, to the depths of deserts or of woods, where their number diminishes from age to age. What a man alone would not have been able to effect, men have executed in concert: and altogether they preserve their work. Such is the origin, such the advantages, and the end of society. Government owes its birth to the

of the state of public affairs since the time in which that performance was published.

A mind habituated to actions of meanness and injustice, commits them without reflection, or with a very partial one; for on what other ground than this, can we account for the declaration of war against the Dutch? To gain an idea of the politics which actuated the British Ministry to this measure, we must enter into the opinion which they, and the English in general, had formed of the temper of the Dutch nation; and from thence infer what their expectation of the consequences would be.

Could they have imagined that Holland would have seriously made a common cause with France, Spain and America, the British Ministry would never have dared to provoke them. It would have been a madness in politics to have done so, unless their views were to hasten on a

it unavoidably happens, that in proportion as they surmount the first difficulties of emigration, which bound them together in a common cause, they will begin to relax in their duty and attachment to each other, and this remissness will point out the necessity of establishing some form of government to supply the defect of moral virtue."

necessity of preventing and repressing the injuries which the associated individuals had to fear from one another. It is the sentinel who watches, in order that the common laborers be not disturbed."

period of such emphatic distress, as should justify the concessions which they saw they must one day or other make to the world, and for which they wanted an apology to themselves. There is a temper in some men which seeks a pretense for submission. Like a ship disabled in action, and unfitted to continue it, it waits the approach of a still larger one to strike to, and feels relief at the opportunity. Whether this is greatness or littleness of mind, I am not inquiring into. I should suppose it to be the latter, because it proceeds from the want of knowing how to bear misfortune in its original state.

But the subsequent conduct of the British Cabinet has shown that this was not their plan of politics, and consequently their motives must be sought for in another line.

The truth is, that the British had formed a very humble opinion of the Dutch nation. They looked on them as a people who would submit to anything; that they might insult them as they liked, plunder them as they pleased, and still the Dutch dared not to be provoked.

If this be taken as the opinion of the British Cabinet, the measure is easily accounted for; because it goes on the supposition, that when, by a declaration of hostilities, they had robbed the

Dutch of some millions sterling, (and to rob them was popular,) they could make peace with them again whenever they pleased, and on almost any terms the British Ministry should propose. And no sooner was the plundering committed, than the accommodation was set on foot and failed.

When once the mind loses the sense of its own dignity, it loses, likewise, the ability of judging of it in another. And the American war has thrown Britain into such a variety of absurd situations, that, arguing from herself, she sees not in what conduct national dignity consists in other countries. From Holland she expected duplicity and submission, and this mistake arose from her having acted, in a number of instances during the present war, the same character herself.

To be allied to, or connected with, Britain seems to be an unsafe and impolitic situation. Holland and America are instances of the reality of this remark. Make those countries the allies of France or Spain, and Britain will court them with civility and treat them with respect; make them her own allies, and she will insult and plunder them. In the first case, she feels some apprehensions at offending them because they have

support at hand; in the latter, those apprehensions do not exist. Such, however, has hitherto been her conduct.

Another measure which has taken place since the publication of the Abbé's work, and likewise since the time of my beginning this letter, is the change in the British Ministry. What line the new Cabinet will pursue respecting America, is, at this time, unknown; neither is it very material, unless they are seriously disposed to a general and honorable peace.

Repeated experience has shown, not only the impracticability of conquering America, but the still higher impossibility of conquering her mind, or recalling her back to her former condition of thinking. Since the commencement of the war, which is now approaching to eight years, thousands and tens of thousands have advanced, and are daily advancing into the first state of manhood, who know nothing of Britain but as a barbarous enemy, and to whom the independence of America appears as much the natural and established government of the country, as that of England does to an Englishman.

And, on the other hand, thousands of the aged, who had British ideas, have dropped, and are daily dropping, from the stage of business

and life. The natural progress of generation and decay operates every hour to the disadvantage of Britain. Time and death, hard enemies to contend with, fight constantly against her interest; and the bills of mortality, in every part of America, are the thermometers of her decline. The children in the streets are from their cradle bred to consider her as their only foe. They hear of her cruelties; of their fathers, uncles, and kindred killed; they see the remains of burned and destroyed houses, and the common tradition of the school they go to, tells them, *those things were done by the British.*

These are circumstances which the mere English state politician, who considers man only in a state of manhood, does not attend to. He gets entangled with parties coeval or equal with himself at home, and thinks not how fast the rising generation in America is growing beyond knowledge of them, or they of him. In a few years all personal remembrances will be lost, and who is king or minister in England, will be little known and scarcely inquired after.

The new British Administration is composed of persons who have ever been against the war, and who have constantly reprobated all the violent measures of the former one. They consid-

ered the American war as destructive to themselves, and opposed it on that ground. But what are these things to America? She has nothing to do with English parties. The ins and the outs are nothing to her. It is the whole country she is at war with, or must be at peace with.

Were every minister in England a Chatham, it would now weigh little or nothing in the scale of American politics. Death has preserved to the memory of this statesman, *that fame,* which he, by living, would have lost. His plans and opinions, toward the latter part of his life, would have been attended with as many evil consequences, and as much reprobated here as those of Lord North; and considering him a wise man, they abound with inconsistencies amounting to absurdities.

It has apparently been the fault of many in the late minority to suppose that America would agree to certain terms with them, were they in place, which she would not even listen to, from the then Administration. This idea can answer no other purpose than to prolong the war; and Britain may, at the expense of many more millions, learn the fatality of such mistakes. If the new Ministry wisely avoid this hopeless policy, they will prove themselves better pilots and wiser

men than they are conceived to be; for it is every day expected to see their bark strike upon some hidden rock and go to pieces.

But there is a line in which they may be great. A more brilliant opening needs not to present itself; and it is such an one as true magnanimity would improve, and humanity rejoice in.

A total reformation is wanted in England. She wants an expanded mind—a heart which embraces the universe. Instead of shutting herself up in an island, and quarreling with the world, she would derive more lasting happiness, and acquire more real riches, by generously mixing with it, and bravely saying, I am the enemy of none. It is not now a time for little contrivances or artful politics. The European world is too experienced to be imposed upon, and America too wise to be duped. It must be something new and masterly that can succeed. The idea of seducing America from her independence, or corrupting her from her alliance, is a thought too little for a great mind, and impossible for any honest one, to attempt. Whenever politics are applied to debauch mankind from their integrity, and dissolve the virtue of human nature, they become detestable; and to be a statesman on this plan, is to be a commissioned villain. He who

aims at it, leaves a vacancy in his character, which may be filled up with the worst of epithets.

If the disposition of England should be such, as not to agree to a general and honorable peace, and the war must, at all events, continue longer, I cannot help wishing that the alliances which America has or may enter into, may become the only objects of the war. She wants an opportunity of showing to the world that she holds her honor as dear and sacred as her independence, and that she will in no situation forsake those whom no negotiations could induce to forsake her. Peace, to every reflecting mind, is a desirable object; but *that peace* which is accompanied with a ruined character, becomes a crime to the seducer, and a curse upon the seduced.

But where is the impossibility or even the great difficulty of England's forming a friendship with France and Spain, and making it a national virtue to renounce forever those prejudiced inveteracies it has been her custom to cherish; and which, while they serve to sink her with an increasing enormity of debt, by involving her in fruitless wars, become likewise the bane of her repose, and the destruction of her manners? We had once the fetters that she has now, but

experience has shown us the mistake, and thinking justly, has set us right.

The true idea of a great nation, is that which extends and promotes the principles of universal society; whose mind rises above the atmosphere of local thoughts, and considers mankind, of whatever nation or profession they may be, as the work of one Creator. The rage for conquest has had its fashion, and its day. Why may not the amiable virtues have the same? The Alexanders and Cæsars of antiquity have left behind them their monuments of destruction, and are remembered with hatred; while those more exalted characters, who first taught society and science, are blessed with the gratitude of every age and country. Of more use was *one* philosopher, though a heathen, to the world, than all the heathen conquerors that ever existed.

Should the present Revolution be distinguished by opening a new system of extended civilization, it will receive from heaven the highest evidence of approbation; and as this is a subject to which the Abbé's powers are so eminently suited, I recommend it to his attention with the affection of a friend, and the ardor of a universal citizen.

Postscript

Since closing the foregoing letter, some intimations respecting a general peace have made their way to America. On what authority or foundation they stand, or how near or remote such an event may be, are circumstances I am not inquiring into. But as the subject must sooner or later become a matter of serious attention, it may not be improper, even at this early period, candidly to investigate some points that are connected with it, or lead toward it.

The independence of America is at this moment as firmly established as that of any other country in a state of war. It is not length of time, but power that gives stability. Nations at war, know nothing of each other on the score of antiquity. It is their present and immediate strength, together with their connections, that must support them. To which we may add, that a right which originated to-day, is as much a right, as if it had the sanction of a thousand years; and therefore the independence and present governments of America are in no more danger of being subverted, because they are modern, than that of England is secure, because it is ancient.

The politics of Britain, so far as respects America, were originally conceived in idiotism, and acted in madness. There is not a step which bears the smallest trace of rationality. In her management of the war, she has labored to be wretched, and studied to be hated; and in all her former propositions for accommodation, she has discovered a total ignorance of mankind, and of those natural and unalterable sensations by which they are so generally governed. How she may conduct herself in the present or future business of negotiating a peace, is yet to be proved.

He is a weak politician who does not understand human nature, and penetrate into the effect which measures of government will have upon the mind. All the miscarriages of Britain have arisen from this defect. The former Ministry acted as if they supposed mankind to be *without a mind;* and the present Ministry, as if America was *without a memory.* The one must have supposed we were incapable of feeling; and the other that we could not remember injuries.

There is likewise another line in which politicians mistake, which is, that of not rightly calculating, or rather of misjudging, the consequences which any given circumstance will pro-

duce. Nothing is more frequent, as well in common as in political life, than to hear people complain, that such or such means produced an event directly contrary to their intentions. But the fault lies in their not judging rightly what the event would be; for the means produced only its proper and natural consequences.

It is very probable that, in a treaty of peace, Britain will contend for some post or other in North America, perhaps Canada or Halifax, or both: and I infer this from the known deficiency of her politics, which have ever yet made use of means whose natural event was against both her interest and her expectation. But the question with her ought to be, whether it is worth her while to hold them, and what will be the consequences.

Respecting Canada, one or other of the two following will take place, *viz.*: If Canada should become populous, it will revolt; and if it does not become so, it will not be worth the expense of holding. And the same may be said of Halifax, and the country round it. But Canada *never will* be populous; neither is there any occasion for contrivances on one side or the other, for nature alone will do the whole.

Britain may put herself to great expenses in sending settlers to Canada; but the descendants

of those settlers will be Americans, as other descendants have been before them. They will look round and see the neighboring states sovereign and free, respected abroad and trading at large with the world; and the natural love of liberty, the advantages of commerce, the blessings of independence, and of a happier climate, and a richer soil, will draw them southward; and the effect will be, that Britain will sustain the expense, and America reap the advantage.

One would think that the experience which Britain has had of America, would entirely sicken her of all thoughts of continental colonization, and any part she might retain will only become to her a field of jealousy and thorns, of debate and contention, forever struggling for privileges, and meditating revolt. She may form new settlements, but they will be for us; they will become part of the United States of America; and that against all her contrivances to prevent it, or without any endeavors of ours to promote it. In the first place she cannot draw from them a revenue, until they are able to pay one, and when they are so they will be above subjection. Men soon become attached to the soil they live upon, and incorporated with the prosperity of the place: and it signifies but little what opinions they come

over with, for time, interest, and new connections will render them obsolete, and the next generation know nothing of them.

Were Britain truly wise, she would lay hold of the present opportunity to disentangle herself from all continental embarrassments in North America, and that not only to avoid future broils and troubles, but to save expenses. To speak explicitly on the matter, I would not, were I an European power, have Canada, under the conditions that Britain must retain it, could it be given to me. It is one of those kind of dominions that is, and ever will be, a constant charge upon any foreign holder.

As to Halifax, it will become useless to England after the present war, and the loss of the United States. A harbor, when the dominion is gone, for the purpose of which only it was wanted, can be attended only with expense. There are, I doubt not, thousands of people in England, who suppose, that these places are a profit to the nation, whereas they are directly the contrary, and instead of producing any revenue, a considerable part of the revenue of England is annually drawn off, to support the expense of holding them.

Gibraltar is another instance of national ill-

policy. A post which in time of peace is not wanted, and in time of war is of no use, must at all times be useless. Instead of affording protection to a navy, it requires the aid of one to maintain it. To suppose that Gibraltar commands the Mediterranean, or the pass into it, or the trade of it, is to suppose a detected falsehood; because though Britain holds the post she has lost the other three, and every benefit she expected from it. And to say that all this happens because it is besieged by land and water, is to say nothing, for this will always be the case in time of war, while France and Spain keep up superior fleets, and Britain holds the place. So that, though, as an impenetrable, inaccessible rock, it may be held by the one, it is always in the power of the other to render it useless and excessively chargeable.

I should suppose that one of the principal objects of Spain in besieging it, is to show to Britain, that though she may not take it, she can command it, that is she can shut it up, and prevent its being used as a harbor, though not as a garrison. But the short way to reduce Gibraltar is to attack the British fleet; for Gibraltar is as dependent on a fleet for support, as a bird is on its wing for food, and when wounded there it starves.

There is another circumstance which the peo-

ple of England have not only not attended to, but seem to be utterly ignorant of, and that is, the difference between permanent power and accidental power, considered in a national sense.

By permanent power, I mean, a natural, inherent, and perpetual ability in a nation, which though always in being, may not be always in action, or not advantageously directed; and by accidental power, I mean, a fortunate or accidental disposition or exercise of national strength, in whole or in part.

There undoubtedly was a time when any one European nation, with only eight or ten ships of war, equal to the present ships of the line, could have carried terror to all others, who had not begun to build a navy, however great their natural ability might be for that purpose: but this can be considered only as accidental, and not as a standard to compare permanent power by, and could last no longer than until those powers built as many or more ships than the former. After this a larger fleet was necessary, in order to be superior; and a still larger would again supersede it. And thus mankind have gone on building fleet upon fleet, as occasion or situation dictated. And this reduces it to an original question, which is: Which power can build and man

the largest number of ships? The natural answer to which is, that power which has the largest revenue and the greatest number of inhabitants, provided its situation of coast affords sufficient conveniences.

France being a nation on the continent of Europe, and Britain an island in its neighborhood, each of them derived different ideas from their different situations. The inhabitants of Britain could carry on no foreign trade, nor stir from the spot they dwelt upon, without the assistance of shipping; but this was not the case with France. The idea therefore of a navy did not arise to France from the same original and immediate necessity which produced it to England. But the question is, that when both of them turn their attention, and employ their revenues the same way, which can be superior?

The annual revenue of France is nearly double that of England, and her number of inhabitants more than twice as many. Each of them has the same length of coast on the Channel, besides which, France has several hundred miles extent on the Bay of Biscay, and an opening on the Mediterranean: and every day proves that practise and exercise make sailors, as well as soldiers, in one country as well as another.

If, then, Britain can maintain a hundred ships of the line, France can as well support a hundred and fifty, because her revenue and her population are as equal to the one, as those of England are to the other. And the only reason why she has not done it, is because she has not till very lately attended to it. But when she sees, as she now does, that a navy is the first engine of power, she can easily accomplish it.

England, very falsely, and ruinously for herself, infers, that because she had the advantage of France, while France had the smaller navy, that for that reason it is always to be so. Whereas it may be clearly seen, that the strength of France has never yet been tried on a navy, and that she is able to be as superior to England in the extent of a navy, as she is in the extent of her revenues and her population. And England may lament the day, when, by her insolence and injustice, she provoked in France a maritime disposition.

It is in the power of the combined fleets to conquer every island in the West Indies, and reduce all the British Navy in those places. For were France and Spain to send their whole naval force in Europe to those islands, it would not be in the power of Britain to follow them with an

equal force. She would still be twenty or thirty ships inferior, were she to send every vessel she had, and in the meantime all the foreign trade of England would lay exposed to the Dutch.

It is a maxim which, I am persuaded, will ever hold good, and more especially in naval operations, that a great power ought never to move in detachments, if it can possibly be avoided; but to go with its whole force to some important object, the reduction of which shall have a decisive effect upon the war. Had the whole of the French and Spanish fleets in Europe come last spring to the West Indies, every island had been their own, Rodney their prisoner, and his fleet their prize. From the United States the combined fleets can be supplied with provisions, without the necessity of drawing them from Europe, which is not the case with England.

Accident has thrown some advantages in the way of England, which, from the inferiority of her navy, she had not a right to expect. For though she had been obliged to fly before the combined fleets, yet Rodney has twice had the fortune to fall in with detached squadrons, to which he was superior in numbers: the first off Cape St. Vincent, where he had nearly two to one, and the other in the West Indies, where he

had a majority of six ships. Victories of this kind almost produce themselves. They are won without honor, and suffered without disgrace: and are ascribable to the chance of meeting, not to the superiority of fighting. For the same admiral, under whom they were obtained, was unable, in three former engagements, to make the least impression on a fleet consisting of an equal number of ships with his own, and compounded for the events by declining the actions.*

To conclude: if it may be said that Britain has numerous enemies, it likewise proves that she has given numerous offenses. Insolence is sure to provoke hatred, whether in a nation or an individual. That want of manners in the British Court may be seen even in its birthdays' and New Year's odes, which are calculated to infatuate the vulgar, and disgust the man of refinement: and her former overbearing rudeness, and insufferable injustice on the seas, have made every commercial nation her foe. Her fleets were employed as engines of prey, and acted on the surface of the deep the character which the shark does beneath it. On the other hand, the

* See the accounts, either English or French, of three actions, in the West Indies, between Count de Guichen and Admiral Rodney, in 1780.

combined powers are taking a popular part, and will render their reputation immortal, by establishing the perfect freedom of the ocean, to which all countries have a right, and are interested in accomplishing. The sea is the world's highway; and he who arrogates a prerogative over it, transgresses the right, and justly brings on himself the chastisement of nations.

Perhaps it might be of some service to the future tranquillity of mankind, were an article introduced into the next general peace, that no one nation should, in time of peace, exceed a certain number of ships of war. Something of this kind seems necessary; for according to the present fashion, half of the world will get upon the water, and there appears to be no end to the extent to which navies may be carried. Another reason is, that navies add nothing to the manners or morals of a people. The sequestered life which attends the service, prevents the opportunities of society, and is too apt to occasion a coarseness of ideas and of language, and that more in ships of war than in the commercial employ; because in the latter they mix more with the world, and are nearer related to it. I mention this remark as a general one: and not applied to any one country more than to another.

Britain has now had the trial of above seven years, with an expense of nearly an hundred million pounds sterling; and every month in which she delays to conclude a peace costs her another million sterling, over and above her ordinary expenses of government, which are a million more; so that her total *monthly* expense is two million pounds sterling, which is equal to the whole *yearly* expenses of America, all charges included. Judge then who is best able to continue it.

She has likewise many atonements to make to an injured world, as well in one quarter as in another. And instead of pursuing that temper of arrogance, which serves only to sink her in the esteem, and entail on her the dislike of all nations, she would do well to reform her manners, retrench her expenses, live peaceably with her neighbors, and think of war no more.

Philadelphia, August 21, 1782.

The following correspondence took place at this time between Paine and Washington.

SIR: BORDENTOWN, Sept. 7, 1782.

I have the honor of presenting you with fifty copies of my Letter to the Abbé Raynal, for the use of the army, and to repeat to you my acknowledgments for your friendship.

I fully believe we have seen our worst days over. The spirit of the war, on the part of the enemy, is certainly on the decline, full as much as we think for. I draw this opinion not only from the present promising appearance of things, and the difficulties we know the British Cabinet is in; but I add to it the peculiar effect which certain periods of time have, more or less, upon all men.

The British have accustomed themselves to think of *seven years* in a manner different to other portions of time. They acquire this partly by habit, by reason, by religion, and by superstition. They serve seven years apprenticeship —they elect their Parliament for seven years— they punish by seven years transportation, or the duplicate or triplicate of that term—they let their leases in the same manner, and they read that Jacob served seven years for one wife, and after that seven years for another; and this particular

period of time, by a variety of concurrences, has obtained an influence in their minds.

They have now had seven years of war, and are no further on the continent than when they began. The superstitious and populous parts will therefore conclude that *it is not to be,* and the rational part of them will think they have tried an unsuccessful and expensive project long enough, and by these two joining issue in the same eventful opinion, the obstinate part among them will be beaten out; unless, consistent with their former sagacity, they should get over the matter by an act of Parliament, *"to bind* TIME *in all cases whatsoever," or declare him a rebel.*

I observe the affair of Captain Asgill seems to die away:—very probably it has been protracted on the part of Clinton and Carleton, to gain time, to state the case to the British Ministry, where following close on that of Colonel Haynes, it will create new embarrassment to them. For my own part, I am fully persuaded that a suspension of his fate, still holding it *in terrorem,* will operate on a greater quantity of their passions and vices, and restrain them more than his execution would do. However, the change of measures which seems now to be taking place, gives somewhat of a new cast to former designs; and

if the case, without the execution, can be so managed as to answer all the purposes of the latter, it will look much better hereafter, when the sensations that now provoke, and the circumstances that would justify his exit, shall be forgotten.

I am your Excellency's obliged and obedient humble servant,

THOMAS PAINE.

His Excellency General WASHINGTON.

HEADQUARTERS, VERPLANCK'S POINT,

Sept. 18, 1782.

SIR:

I have the pleasure to acknowledge your favor of the seventh inst., informing me of your proposal to present me with fifty copies of your last publication, for the amusement of the army.

For this intention you have my sincere thanks, no only on my own account, but for the pleasure, I doubt not, the gentlemen of the army will receive from the perusal of your pamphlets.

Your observations on the *period of seven years,* as it applies itself to, and affects British minds, are ingenious, and I wish it may not fail of its effects in the present instance. The measures, and the policy of the enemy, are at present in great perplexity and embarrassment—but I

have my fears, whether their necessities (which are the only operative motive with them) are yet arrived to that point, which must drive them unavoidably into what they will esteem disagreeable and dishonorable terms of peace—such, for instance, as an absolute, unequivocal admission of American Independence, upon the terms on which she can alone accept it.

For this reason, added to the obstinacy of the king—and the probable consonant principles of some of his principal ministers, I have not so full a confidence in the success of the present negotiation for peace as some gentlemen entertain.

Should events prove my jealousies to be ill founded, I shall make myself happy under the mistake—consoling myself with the idea of having erred on the safest side, and enjoying with as much satisfaction as any of my countrymen, the pleasing issue of our severe contest.

The case of Captain Asgill has indeed been spun out to a great length—but, with you, I hope that its termination will not be unfavorable to this country.

I am, Sir, with great esteem and regard,
Your most obedient servant,

G. Washington.

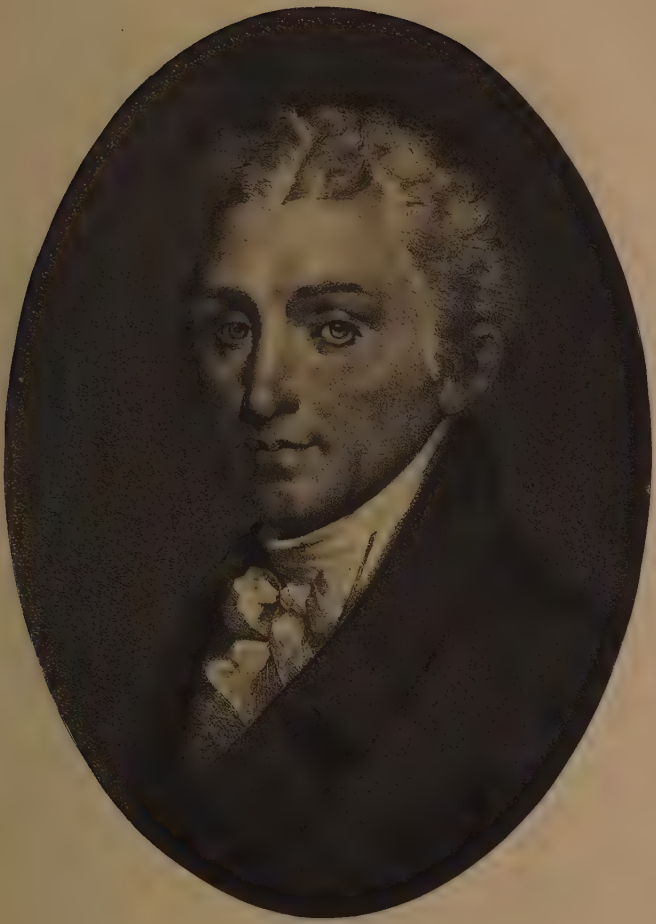
Thomas Paine, Esq.

JAMES MONROE

Photogravure from an Original Painting

JAMES MONROE

Photogravure from an Original Painting



DISSERTATIONS

On Government; the Affairs of the Bank; and Paper Money

PREFACE

I HERE present the public with a new performance. Some parts of it are more particularly adapted to the state of Pennsylvania, on the present state of its affairs; but there are others which are on a larger scale. The time bestowed on this work has not been long, the whole of it being written and printed during the short recess of the Assembly.*

As to parties, merely considered as such, I am attached to no particular one. There are such things as right and wrong in the world, and so far as these are parties against each other, the signature of Common Sense is properly employed.

Thomas Paine.

Philadelphia, Feb. 18, 1786.

*From December 22, 1785 to February 18, 1786.

DISSERTATIONS ON GOVERNMENT ETC.

EVERY government, let its form be what it may, contains within itself a principle common to all, which is, that of a sovereign power, or a power over which there is no control, and which controls all others; and as it is impossible to construct a form of government in which this power does not exist, so there must of necessity be a place, if it may be so called, for it to exist in.

In despotic monarchies this power is lodged in a single person, or sovereign. His will is law; which he declares, alters or revokes as he pleases, without being accountable to any power for so doing. Therefore, the only modes of redress, in countries so governed, are by petition or insurrection. And this is the reason we so frequently hear of insurrections in despotic governments; for as there are but two modes of redress, this is one of them.

Perhaps it may be said that as the united resistance of the people is able, by force, to control the will of the sovereign, that therefore, the controlling power lodges in them; but it

must be understood that I am speaking of such powers only as are constituent parts of the government, not of those powers which are externally applied to resist and overturn it.

In republics, such as those established in America, the sovereign power, or the power over which there is no control, and which controls all others, remains where nature placed it—in the people; for the people in America are the fountain of power. It remains there as a matter of right, recognized in the constitutions of the country, and the exercise of it is constitutional and legal. This sovereignty is exercised in electing and deputing a certain number of persons to represent and act for the whole, and who, if they do not act right, may be displaced by the same power that placed them there, and others elected and deputed in their stead, and the wrong measures of former representatives corrected and brought right by this means. Therefore, the republican form and principle leaves no room for insurrection, because it provides and establishes a rightful means in its stead.

In countries under a despotic form of government, the exercise of this power is an assumption of sovereignty; a wresting it from the person in whose hand their form of government has placed

it, and the exercise of it is there styled rebellion. Therefore the despotic form of government knows no intermediate space between being slaves and being rebels.

I shall in this place offer an observation which, though not immediately connected with my subject, is very naturally deduced from it, which is that the nature, if I may so call it, of a government over any people, may be ascertained from the modes which the people pursue to obtain redress of grievances; for like causes will produce like effects. And therefore the government which Britain attempted to erect over America could be no other than a despotism, because it left to the Americans no other modes of redress than those which are left to people under despotic governments, petition and resistance: and the Americans, without ever attending to a comparison on the case, went into the same steps which such people go into, because no other could be pursued: and this similarity of effects leads up to, and ascertains the similarity of the causes or governments which produced them.

But to return. The repository where the sovereign power is placed is the first criterion of distinction between a country under a despotic form of government and a free country. In a

country under a despotic government, the sovereign is the only free man in it. In a republic, the people, retaining the sovereignty themselves, naturally and necessarily retain their freedom with it: for wherever the sovereignty is, there must the freedom be.

As the repository where the sovereign power is lodged is the first criterion of distinction, so the second is the principles on which it is administered.

A despotic government knows no principle but *will*. Whatever the sovereign wills to do, the government admits him the inherent right, and the uncontrolled power of doing. He is restrained by no fixed rule of right and wrong, for he makes the right and wrong himself, and as he pleases. If he happens (for a miracle may happen) to be a man of consummate wisdom, justice and moderation, of a mild affectionate disposition, disposed to business, and understanding and promoting the general good, all the beneficial purposes of government will be answered under his administration, and the people so governed, may, while this is the case, be prosperous and easy.

But as there can be no security that this disposition will last, and this administration con-

tinue, and still less security that his successor shall have the same qualities and pursue the same measures; therefore, no people exercising their reason, and understanding their rights, would, of their own choice, invest any one man with such a power.

Neither is it consistent to suppose the knowledge of any one man competent to the exercise of such a power. A sovereign of this sort, is brought up in such a distant line of life; lives so remote from the people, and from a knowledge of everything which relates to their local situations and interests, that he can know nothing from experience and observation, and all which he does know, he must be told.

Sovereign power without sovereign knowledge, that is, a full knowledge of all the matters over which that power is to be exercised, is a something which contradicts itself.

There is a species of sovereign power in a single person, which is very proper when applied to a commander-in-chief over an army, so far as relates to the military government of an army, and the condition and purpose of an army constitute the reason why it is so. In an army every man is of the same profession; that is, he is a soldier, and the commander-in-chief is a sol-

dier too; therefore, the knowledge necessary to the exercise of the power is within himself. By understanding what a soldier is, he comprehends the local situation, interest and duty of every man within what may be called the dominion of his command; and, therefore, the condition and circumstances of an army make a fitness for the exercise of the power.

The purpose, likewise, or object of an army, is another reason: for this power in a commander-in-chief, though exercised over the army, is not exercised against it; but is exercised through or over the army against the enemy. Therefore, the enemy, and not the people, is the object it is directed to. Neither is it exercised over an army for the purpose of raising a revenue from it, but to promote its combined interest, condense its powers, and give it capacity for action.

But all these reasons cease when sovereign power is transferred from the commander of an army to the commander of a nation, and entirely loses its fitness when applied to govern subjects following occupations, as it governs soldiers following arms.

A nation is quite another element, and everything in it differs not only from each other, but all of them differ from those of an army. A na-

tion is composed of distinct, unconnected individuals, following various trades, employments and pursuits; continually meeting, crossing, uniting, opposing and separating from each other, as accident, interest and circumstance shall direct. An army has but one occupation and but one interest.

Another very material matter in which an army and a nation differ, is that of temper. An army may be said to have but one temper; for however the *natural* temper of the persons composing the army may differ from each other, there is a second temper takes place of the first: a temper formed by discipline, mutuality of habits, union of objects and pursuits, and the style of military manners: but this can never be the case among all the individuals of a nation. Therefore, the fitness, arising from those circumstances, which disposes an army to the command of a single person, and the fitness of a single person for that command, is not to be found either in one or the other, when we come to consider them as a sovereign and a nation.

Having already shown what a despotic government is, and how it is administered, I now come to show what the administration of a republic is.

The administration of a republic is supposed to be directed by certain fundamental principles of right and justice, from which there cannot, because there ought not to, be any deviation; and whenever any deviation appears, there is a kind of stepping out of the republican principle, and an approach toward the despotic one. This administration is executed by a select number of persons, periodically chosen by the people, who act as representatives and in behalf of the whole, and who are supposed to enact the same laws and to pursue the same line of administration, as the people would do were they all assembled together.

The *public good* is to be their object. It is therefore necessary to understand what public good is.

Public good is not a term opposed to the good of individuals; on the contrary, it is the good of every individual collected. It is the good of all, because it is the good of everyone: for as the public body is every individual collected, so the public good is the collected good of those individuals.

The foundation-principle of public good is justice, and wherever justice is impartially administered, the public good is promoted; for as it

is to the good of every man that no injustice be done to him, so likewise it is to his good that the principle which secures him should not be violated in the person of another, because such a violation weakens *his* security, and leaves to chance what ought to be to him a rock to stand on.

But in order to understand more minutely, how the public good is to be promoted, and the manner in which the representatives are to act to promote it, we must have recourse to the original or first principles, on which the people formed themselves into a republic.

When a people agree to form themselves into a republic (for the word *republic* means the *public good,* or the good of the whole, in contradistinction to the despotic form, which makes the good of the sovereign, or of one man, the only object of the government), when I say, they agree to do this, it is to be understood that they mutually resolve and pledge themselves to each other, rich and poor alike, to support and maintain this rule of equal justice among them. They therefore renounce not only the despotic form, but despotic principle, as well of governing as of being governed by mere will and power, and substitute in its place a government of justice.

By this mutual compact, the citizens of a re-

public put it out of their power, that is, they renounce, as detestable, the power of exercising, at any future time any species of despotism over each other, or doing a thing not right in itself, because a majority of them may have strength of numbers sufficient to accomplish it.

In this pledge and compact* lies the founda-

*This pledge and compact is contained in the declaration of rights prefixed to the constitution (of Pennsylvania), and is as follows:

I. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

II. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding: and that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against his own free will and consent: nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship: and that no authority can or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control, the right of conscience in the free exercise of religious worship.

III. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

IV. That all power being originally inherent in, and consequently derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or ad-

tion of the republic: and the security to the rich and the consolation to the poor is, that what each man has is his own; that no despotic sovereign can take it from him, and that the common ce-

vantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish government in such manner as shall be by that community judged most conducive to the public weal.

VI. That those who are employed in the legislative and executive business of the state may be restrained from oppression, the people have a right, at such periods as they may think proper to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VII. That all elections ought to be free; and that all free men having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or to be elected into office.

VIII. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion toward the expense of that protection, and yield his personal service when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

IX. That in all prosecutions for criminal offenses, a man hath a right to be heard by himself and his counsel, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

X. That the people have a right to hold themselves, their houses, papers, and possessions free from search and seizure; and

menting principle which holds all the parts of a republic together, secures him likewise from the despotism of numbers: for despotism may be more effectually acted by many over a few, than by one man over all.

therefore warrants without oaths or affirmations, first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are contrary to that right, and ought not to be granted.

XI. That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.

XII. That the people have a right to freedom of speech, and of writing and publishing their sentiments; therefore the freedom of the press ought not to be restrained.

XIII. That the people have a right to bear arms for the defense of themselves and the state—and as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up—and that the military should be kept under a strict subordination to, and governed by, the civil power.

XIV. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality are absolutely necessary to preserve the blessings of liberty and keep a government free—the people ought therefore to pay particular attention to these points in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the state.

XV. That all men have a natural inherent right to emigrate from one state to another that will receive them, or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they may promote their own happiness.

XVI. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress or grievances, by address, petition, or remonstrance.

Therefore, in order to know how far the power of an assembly, or a house of representatives can act in administering the affairs of a republic, we must examine how far the power of the people extends under the original compact they have made with each other; for the power of the representatives is in many cases less, but never can be greater than that of the people represented; and whatever the people in their mutual, original compact have renounced the power of doing toward, or acting over each other, the representatives cannot assume the power to do, because, as I have already said, the power of the representatives cannot be greater than that of the people they represent.

In this place it naturally presents itself that the people in their original compact of equal justice or first principles of a republic, renounced as despotic, detestable and unjust, the assuming a right of breaking and violating their engagements, contracts and compacts with, or defrauding, imposing or tyrannizing over each other, and therefore the representatives cannot make an act to do it for them, and any such kind of act would be an attempt to depose not the personal sovereign, but the sovereign principle

of the republic, and to introduce despotism in its stead.

It may in this place be proper to distinguish between that species of sovereignty which is claimed and exercised by despotic monarchs, and that sovereignty which the citizens of a republic inherit and retain. The sovereignty of a despotic monarch assumes the power of making wrong right, or right wrong, as he pleases or as it suits him. The sovereignty in a republic is exercised to keep right and wrong in their proper and distinct places, and never suffer the one to usurp the place of the other. A republic, properly understood, is a sovereignty of justice, in contradistinction to a sovereignty of will.

Our experience in republicanism is yet so slender, that it is much to be doubted, whether all our public laws and acts are consistent with, or can be justified on, the principles of a republican government.

We have been so much habited to act in committees at the commencement of the dispute, and during the interregnum of government, and in many cases since, and to adopt expedients warranted by necessity, and to permit to ourselves a discretionary use of power, suited to the spur and exigency of the moment, that a man trans-

ferred from a committee to a seat in the legislature, imperceptibly takes with him the ideas and habits he has been accustomed to, and continues to think like a committee-man instead of a legislator, and to govern by the spirit rather than by the rule of the Constitution and the principles of the republic.

Having already stated that the power of the representatives can never exceed the power of the people whom they represent, I now proceed to examine more particularly, what the power of the representatives is.

It is, in the first place, the power of acting as legislators in making laws—and in the second place, the power of acting in certain cases, as agents or negotiators for the commonwealth, for such purposes as the circumstances of the commonwealth require.

A very strange confusion of ideas, dangerous to the credit, stability, and the good and honor of the commonwealth, has arisen, by confounding those two distinct powers and things together and blending every act of the assembly, of whatever kind it may be, under one general name, of *Laws of the Commonwealth,* and thereby creating an opinion (which is truly of the despotic kind) that every succeeding assembly has an

equal power over every transaction, as well as law, done by a former assembly.

All laws are acts, but all acts are not laws. Many of the acts of the assembly are acts of agency or negotiation, that is, they are acts of contract and agreement, on the part of the state, with certain persons therein mentioned, and for certain purposes therein recited. An act of this kind, after it has passed the house, is of the nature of a deed or contract, signed, sealed and delivered; and subject to the same general laws and principles of justice as all other deeds and contracts are: for in a transaction of this kind, the state stands as an individual, and can be known in no other character in a court of justice.

By *"laws,"* as distinct from the agency transactions, or matters of negotiation, are to be comprehended all those public acts of the assembly or commonwealth, which have a universal operation, or apply themselves to every individual of the commonwealth. Of this kind are the laws for the distribution and administration of justice, for the preservation of the peace, for the security of property, for raising the necessary revenue by just proportions, etc.

Acts of this kind are properly *laws,* and they may be altered, amended and repealed, or others

substituted in their places, as experience shall direct, for the better effecting the purpose for which they were intended: and the right and power of the assembly to do this is derived from the right and power which the people, were they all assembled together, instead of being represented, would have to do the same thing: because, in acts or laws of this kind, there is no other party than the public.

The law, or the alteration, or the repeal, is for themselves;—and whatever the effects may be, it falls on themselves;—if for the better, they have the benefit of it—if for the worse, they suffer the inconvenience. No violence to anyone is here offered—no breach of faith is here committed. It is therefore one of those rights and powers which is within the sense, meaning and limits of the original compact of justice which they formed with each other as the foundation-principle of the republic, and being one of those rights and powers, it devolves on their representatives by delegation.

As it is not my intention (neither is it within the limits assigned to this work) to define every species of what may be called *laws* (but rather to distinguish that part in which the representatives act as agents or negotiators for the state

from the legislative part) I shall pass on to distinguish and describe those acts of the assembly which are acts of agency or negotiation, and to show that as they are different in their nature, construction and operation, from legislative acts, so likewise the power and authority of the assembly over them, after they are passed, is different.

It must occur to every person on the first reflection, that the affairs and circumstances of a commonwealth require other business to be done besides that of making laws, and, consequently, that the different kinds of business cannot all be classed under one name, or be subject to one and the same rule of treatment.

But to proceed—

By agency transactions, or matters of negotiation, done by the assembly, are to be comprehended all that kind of public business, which the assembly, as representatives of the republic, transact in its behalf, with a certain person or persons, or part or parts of the republic, for purposes mentioned in the act, and which the assembly confirm and ratify on the part of the commonwealth, by affixing to it the seal of the state.

An act of this kind, differs from a law of the

before-mentioned kind; because here are two parties and there but one, and the parties are bound to perform different and distinct parts: whereas, in the before-mentioned law, every man's part was the same.

These acts, therefore, though numbered among the laws, are evidently distinct therefrom, and are not of the legislative kind. The former are laws for the government of the commonwealth; these are transactions of business, such as, selling and conveying an estate belonging to the public, or buying one; acts for borrowing money, and fixing with the lender the terms and modes of payment; acts of agreement and contract, with a certain person or persons, for certain purposes: and, in short, every act in which two parties, the state being one, are particularly mentioned or described, and in which the form and nature of a bargain or contract is comprehended.

These, if for custom and uniformity sake we call them by the name of *laws,* are not laws for the government of the commonwealth, but for the government of the contracting parties, as all deeds and contracts are; and are not, properly speaking, acts of the assembly, but joint acts, or acts of the assembly in behalf of the common-

wealth on one part, and certain persons therein mentioned on the other part.

Acts of this kind are distinguishable into two classes:

First—Those wherein the matters inserted in the act have already been settled and adjusted between the state on one part, and the persons therein mentioned, on the other part. In this case the act is the completion and ratification of the contract or matters therein recited. It is in fact a deed signed, sealed and delivered.

Second—Those acts wherein the matters have not been already agreed upon, and wherein the act only holds forth certain propositions and terms to be accepted of and acceded to.

I shall give an instance of each of those acts. First, the state wants the loan of a sum of money; certain persons make an offer to government to lend that sum, and send in their proposals: the government accept these proposals, and all the matters of the loan and the payment are agreed on; and an act is passed according to the usual form of passing acts, ratifying and confirming this agreement. This act is final.

In the second case—the state, as in the preceding one, wants a loan of money—the assembly passes an act holding forth the terms on which it

will borrow and pay: this act has no force until the propositions and terms are accepted of and acceded to by some person or persons, and when those terms are accepted of and complied with, the act is binding on the state.

But if at the meeting of the next assembly, or any other, the whole sum intended to be borrowed, should not be borrowed, that assembly may stop where they are, and discontinue proceeding with the loan, or make new propositions and terms for the remainder; but so far as the subscriptions have been filled up, and the terms complied with, it is, as in the first case, a signed deed: and in the same manner are all acts, let the matters in them be what they may, wherein, as I have before mentioned, the state on one part, and certain individuals on the other part, are parties in the act.

If the state should become a bankrupt, the creditors, as in all cases of bankruptcy, will be sufferers; they will have but a dividend for the whole: but this is not a dissolution of the contract, but an accommodation of it, arising from necessity. And so in all cases of this kind, if an inability takes place on either side, the contract cannot be performed, and some accommodation

must be gone into, or the matter falls through of itself.

It may likewise, though it ought not to, happen that in performing the matters, agreeably to the terms of the act, inconveniences, unforeseen at the time of making the act, may arise to either or both parties: in this case, those inconveniences may be removed by the mutual consent and agreement of the parties, and each finds its benefit in so doing: for in a republic it is the harmony of its parts that constitutes their several and mutual good.

But the acts themselves are legally binding, as much as if they had been made between two private individuals. The greatness of one party cannot give it a superiority or advantage over the other. The state, or its representatives, the assembly, has no more power over an act of this kind, after it has passed, than if the state was a private person. It is the glory of a republic to have it so, because it secures the individual from becoming the prey of power, and prevents *might* from overcoming *right*.

If any difference or dispute arise afterward between the state and the individuals with whom the agreement is made respecting the contract, or the meaning, or extent of any of the matters con-

tained in the act, which may affect the property or interest of either, such difference or dispute must be judged of, and decided upon, by the laws of the land, in a court of justice and trial by jury; that is, by the laws of the land already in being at the time such act and contract was made.

No law made afterwards can apply to the case, either directly, or by construction or implication: for such a law would be a retrospective law, or a law made after the fact, and cannot even be produced in court as applying to the case before it for judgment.

That this is justice, that it is the true principle of republican government, no man will be so hardy as to deny. If, therefore, a lawful contract or agreement, sealed and ratified, cannot be affected or altered by any act made afterwards, how much more inconsistent and irrational, despotic and unjust would it be, to think of making an act with the professed intention of breaking up a contract already signed and sealed.

That it is possible an assembly, in the heat and indiscretion of party, and meditating on power rather than on the principle by which all power in a republican government is governed, that of equal justice, may fall into the error of

passing such an act, is admitted;—but it would be an actless act, an act that goes for nothing, an act which the courts of justice and the established laws of the land, could know nothing of.

Because such an act would be an act of one party only, not only without, but against the consent of the other; and therefore, cannot be produced to affect a contract made between the two. That the violation of a contract should be set up as a justification to the violator, would be the same thing as to say, that a man by breaking his promise is freed from the obligation of it, or that by transgressing the laws, he exempts himself from the punishment of them.

Besides the constitutional and legal reasons why an assembly cannot, of its own act and authority, undo or make void a contract made between the state (by a former assembly) and certain individuals, may be added what may be called the natural reasons, or those reasons which the plain rules of common sense point out to every man. Among which are the following:

The principals, or real parties in the contract, are the state and the persons contracted with. The assembly is not a party, but an agent in behalf of the state, authorized and empowered to transact its affairs.

Therefore, it is the state that is bound on one part and certain individuals on the other part, and the performance of the contract, according to the conditions of it, devolves on succeeding assemblies, not as principals, but as agents.

Therefore, for the next or any other assembly to undertake to dissolve the state from its obligation is an assumption of power of a novel and extraordinary kind. It is the servant attempting to free his master.

The election of new assemblies following each other makes no difference in the nature of things. The state is still the same state. The public is still the same body. These do not annually expire, though the time of an assembly does. These are not new-created every year, nor can they be displaced from their original standing; but are a perpetual, permanent body, always in being and still the same.

But if we adopt the vague, inconsistent idea that every new assembly has a full and complete authority over every act done by the state in a former assembly, and confound together laws, contracts, and every species of public business, it will lead us into a wilderness of endless confusion and insurmountable difficulties. It would be declaring an assembly despotic, for the time being.

Instead of a government of established principles administered by established rules, the authority of government, by being strained so high, would, by the same rule, be reduced proportionately as low, and would be no other than that of a committee of the state, acting with discretionary powers for one year. Every new election would be a new revolution, or it would suppose the public of the former year dead and a new public in its place.

Having now endeavored to fix a precise idea to, and distinguish between legislative acts and acts of negotiation and agency, I shall proceed to apply this distinction to the case now in dispute, respecting the charter of the bank.

The charter of the bank, or what is the same thing, the act for incorporating it, is to all intents and purposes an act of negotiation and contract, entered into, and confirmed between the State on one part, and certain persons mentioned therein on the other part. The purpose for which the act was done on the part of the State is therein recited, *viz.*, the support which the finances of the country would derive therefrom. The incorporating clause is the condition or obligation on the part of the State; and the obligation on the part of the bank, is "that noth-

ing contained in that act shall be construed to authorize the said corporation to exercise any powers in this State repugnant to the laws or constitution thereof."

Here are all the marks and evidences of a contract. The parties—the purport—and the reciprocal obligations.

That this is a contract, or a joint act, is evident from its being in the power of either of the parties to have forbidden or prevented its being done. The State could not force the stockholders of the bank to be a corporation, and therefore, as their consent was necessary to the making the act, their dissent would have prevented its being made; so, on the other hand, as the bank could not force the State to incorporate them, the consent or dissent of the State would have had the same effect to do, or to prevent its being done; and as neither of the parties could make the act alone, for the same reason can neither of them dissolve it alone: but this is not the case with a law or act of legislation, and therefore, the difference proves it to be an act of a different kind.

The bank may forfeit the charter by delinquency, but the delinquency must be proved and established by a legal process in a court of justice

and trial by jury; for the state, or the assembly, is not to be a judge in its own case, but must come to the laws of the land for judgment; for that which is law for the individual, is likewise law for the state.

Before I enter further into this affair, I shall go back to the circumstances of the country, and the condition the government was in, for some time before, as well as at the time it entered into this engagement with the bank, and this act of incorporation was passed: for the government of this State, and I suppose the same of the rest, were then in want of two of the most essential matters which governments could be destitute of—money and credit.

In looking back to those times, and bringing forward some of the circumstances attending them, I feel myself entering on unpleasant and disagreeable ground; because some of the matters which the attacks on the bank now make it necessary to state, in order to bring the affair fully before the public, will not add honor to those who have promoted that measure and carried it through the late House of Assembly; and for whom, though my own judgment and opinion on the case oblige me to differ from, I retain

my esteem, and the social remembrance of times past.

But, I trust, those gentlemen will do me the justice to recollect my exceeding earnestness with them, last spring, when the attack on the bank first broke out; for it clearly appeared to me one of those overheated measures, which, neither the country at large, nor their own constituents, would justify them in, when it came to be fully understood; for however high a party measure may be carried in an assembly, the people out of doors are all the while following their several occupations and employments, minding their farms and their business, and take their own time and leisure to judge of public measures; the consequence of which is, that they often judge in a cooler spirit than their representatives act in.

It may be easily recollected that the present bank was preceded by, and rose out of a former one, called the Pennsylvania Bank which began a few months before; the occasion of which I shall briefly state.

In the spring of 1780, the Pennsylvania Assembly was composed of many of the same members, and nearly all of the same connection, which composed the late House that began the attack

on the bank. I served as Clerk of the Assembly of 1780, which station I resigned at the end of the year, and accompanied a much lamented friend, the late Colonel John Laurens, on an embassy to France.

The spring of 1780 was marked with an accumulation of misfortunes. The reliance placed on the defense of Charleston failed, and exceedingly lowered or depressed the spirits of the country. The measures of government, from the want of money, means and credit, dragged on like a heavy loaded carriage without wheels, and were nearly got to what a countryman would understand by a dead pull.

The Assembly of that year met, by adjournment, at an unusual time, the tenth of May, and what particularly added to the affliction, was, that so many of the members, instead of spiriting up their constituents to the most nervous exertions, came to the Assembly furnished with petitions to be exempt from paying taxes. How the public measures were to be carried on, the country defended, and the army recruited, clothed, fed, and paid, when the only resource, and that not half sufficient, that of taxes, should be relaxed to almost nothing, was a matter too gloomy to look at.

A language very different from that of pe-

titions ought at this time to have been the language of everyone. A declaration to have stood forth with their lives and fortunes, and a reprobation of every thought of partial indulgence would have sounded much better than petitions.

While the Assembly was sitting, a letter from the commander-in-chief was received by the executive council and transmitted to the House. The doors were shut, and it fell officially to me to read.

In this letter the naked truth of things was unfolded. Among other informations, the general said, that notwithstanding his confidence in the attachment of the army to the cause of the country, the distress of it, from the want of every necessary which men could be destitute of, had arisen to such a pitch, that the appearances of mutiny and discontent were so strongly marked on the countenance of the army, that he dreaded the event of every hour.

When the letter was read, I observed a despairing silence in the House. Nobody spoke for a considerable time. At length, a member, of whose fortitude to withstand misfortunes I had a high opinion, rose:

"If," said he, "the account in that letter is a true state of things, and we are in the situation

there represented, it appears to me in vain to contend the matter any longer. We may as well give up at first as at last."

The gentleman who spoke next, was (to the best of my recollection) a member of Bucks County, who, in a cheerful note, endeavored to dissipate the gloom of the House:

"Well, well," said he, "don't let the House despair. If things are not so well as we wish, we must endeavor to make them better."

And on a motion for adjournment, the conversation went no further.

There was now no time to lose, and something absolutely necessary to be done, which was not within the immediate power of the House to do; for what with the depreciation of the currency, and slow operation of taxes, and the petitions to be exempted therefrom, the treasury was moneyless, and the Government creditless.

If the Assembly could not give the assistance which the necessity of the case immediately required, it was very proper the matter should be known by those who either could or would endeavor to do it. To conceal the information within the House, and not provide the relief which that information required, was making no use of the knowledge, and endangering the public

cause. The only thing that now remained, and was capable of reaching the case, was private credit, and the voluntary aid of individuals; and under this impression, on my return from the House, I drew out the salary due to me as clerk, enclosed $500 to a gentleman in this city, in part of the whole, and wrote fully to him on the subject of our affairs.

The gentleman to whom this letter was addressed is Mr. Blair M'Clenaghan. I mentioned to him, that notwithstanding the current opinion that the enemy were beaten from before Charleston, there were too many reasons to believe the place was then taken and in the hands of the enemy: the consequence of which would be, that a great part of the British force would return, and join at New York; that our own army required to be augmented, ten thousand men, to be able to stand against the combined force of the enemy.

I informed Mr. M'Clenaghan of General Washington's letter, the extreme distresses he was surrounded with, and the absolute occasion there was for the citizens to exert themselves at this time, which there was no doubt they would do, if the necessity was made known to them; for that the ability of Government was exhausted.

I requested Mr. M'Clenaghan to propose a voluntary subscription among his friends and added, that I had enclosed five hundred dollars as my mite thereto, and that I would increase it as far as the last ability would enable me to go.*

The next day Mr. M'Clenaghan informed me that he had communicated the contents of the letter, at a meeting of gentlemen at the coffee-house, and that a subscription was immediately began; that Mr. Robert Morris and himself had subscribed £200 each, in hard money, and that the subscription was going on very successfully. This subscription was intended as a donation, and to be given in bounties to promote the recruiting service. It is dated June 8, 1780. The original subscription list is now in my possession—it amounts to £400 hard money, and £101,360 Continental.

While this subscription was going forward, information of the loss of Charleston arrived,† and on a communication from several members of Congress to certain gentlemen of this city,

*Mr. M'Clenaghan being now returned from Europe, has my consent to show this letter to any gentleman who may be inclined to see it.

†Colonel Tennant, aide to General Lincoln, arrived the fourteenth of June, with despatches of the capitulation of Charleston.

of the increasing distresses and dangers then taking place, a meeting was held of the subscribers, and such other gentlemen who chose to attend, at the city tavern. This meeting was on the seventeenth of June, nine days after the subscriptions had begun.

At this meeting it was resolved to open a security-subscription, to the amount of £300,000, Pennsylvania currency, in real money; the subscribers to execute bonds to the amount of their subscriptions, and to form a bank thereon for supplying the army. This being resolved on and carried into execution, the plan of the first subscriptions was discontinued, and this extended one established in its stead.

By means of this bank the army was supplied through the campaign, and being at the same time recruited, was enabled to maintain its ground; and on the appointment of Mr. Morris to be superintendent of the finances the spring following, he arranged the system of the present bank, styled the Bank of North America, and many subscribers of the former bank transferred their subscriptions into this.

Toward the establishment of this bank, Congress passed an ordinance of incorporation, December twenty-first, which the government of

Pennsylvania recognized by sundry matters: and afterward, on an application of the president and directors of the bank, through the mediation of the executive council, the Assembly agreed to, and passed the State Act of incorporation April 1, 1782.

Thus arose the bank—produced by the distresses of the times and the enterprising spirit of patriotic individuals. Those individuals furnished and risked the money, and the aid which the Government contributed was that of incorporating them.

It would have been well if the State had made all its bargains and contracts with as much true policy as it made this: for a greater service for so small a consideration, that only of an act of incorporation, has not been obtained since the Government existed.

Having now shown how the bank originated, I shall proceed with my remarks.

The sudden restoration of public and private credit, which took place on the establishment of the bank, is an event as extraordinary in itself as any domestic occurrence during the progress of the Revolution.

How far a spirit of envy might operate to produce the attack on the bank during the sitting

of the late Assembly, is best known and felt by those who began or promoted the attack. The bank had rendered services which the Assembly of 1780 could not, and acquired an honor which many of its members might be unwilling to own, and wish to obscure.

But surely every government, acting on the principles of patriotism and public good, would cherish an institution capable of rendering such advantages to the community. The establishment of the bank in one of the most trying vicissitudes of the war, its zealous services in the public cause, its influence in restoring and supporting credit, and the punctuality with which all its business has been transacted, are matters, that so far from meriting the treatment it met with from the late Assembly, are an honor to the State, and what the body of her citizens may be proud to own.

But the attack on the bank, as a chartered institution, under the protection of its violators, however criminal it may be as an error of government, or impolitic as a measure of party, is not to be charged on the constituents of those who made the attack. It appears from every circumstance that has come to light, to be a measure which that Assembly contrived of itself. The

members did not come charged with the affair from their constituents. There was no idea of such a thing when they were elected or when they met. The hasty and precipitate manner in which it was hurried through the House, and the refusal of the House to hear the directors of the bank in its defense, prior to the publication of the repealing bill for public consideration, operated to prevent their constituents comprehending the subject: therefore, whatever may be wrong in the proceedings lies not at the door of the public. The House took the affair on its own shoulders, and whatever blame there is, lies on them.

The matter must have been prejudged and predetermined by a majority of the members out of the House, before it was brought into it. The whole business appears to have been fixed at once, and all reasoning or debate on the case rendered useless.

Petitions from a very inconsiderable number of persons, suddenly procured, and so privately done, as to be a secret among the few that signed them, were presented to the House and read twice in one day, and referred to a committee of the House to *inquire* and report thereon. I

here subjoin the petition* and the report, and shall exercise the right and privilege of a citizen in examining their merits, not for the purpose of

*Minutes of the Assembly, March 21, 1785. Petitions from a considerable number of the inhabitants of Chester County were read, representing that the bank established at Philadelphia has fatal effects upon the community; that whilst men are enabled, by means of the bank, to receive near three times the rate of common interest, and at the same time receive their money at very short warning, whenever they have occasion for it, it will be impossible for the husbandman or mechanic to borrow on the former terms of legal interest and distant payments of the principal; that the best security will not enable the person to borrow; that experience clearly demonstrates the mischievous consequences of this institution to the fair trader; that imposters have been enabled to support themselves in a fictitious credit, by means of a temporary punctuality at the bank, until they have drawn in their honest neighbors to trust them with their property, or to pledge their credit as sureties, and have been finally involved in ruin and distress.

That they have repeatedly seen the stopping of discounts at the bank operate on the trading part of the community, with a degree of violence scarcely inferior to that of a stagnation of the blood in the human body, hurrying the wretched merchant who hath debts to pay into the hands of griping usurers; that the directors of the bank may give such preference in trade, by advances of money, to their particular favorites, as to destroy that equality which ought to prevail in a commercial country; that paper money has often proved beneficial to the state, but the bank forbids it, and the people must acquiesce; therefore, and in order to restore public confidence and private security, they pray that a bill may be brought in and passed into a law for repealing the law for incorporating the bank.

March 28. The report of the committee, read March 25, on the petitions from the counties of Chester and Berks, and the city of Philadelphia and its vicinity, praying the act of the Assembly, whereby the bank was established at Philadelphia, may be repealed, was read the second time as follows—*viz.*

The committee to whom was referred the petitions concerning the bank established at Philadelphia, and who were in-

opposition, but with a design of making an intricate affair more generally and better understood.

structed to inquire whether the said bank be compatible with the public safety, and that equality which ought ever to prevail between the individuals of a republic, beg leave to report, that it is the opinion of this committee that the said bank, as at present established, is in every view incompatible with the public safety—that in the present state of our trade, the said bank has a direct tendency to banish a great part of the specie from the country, so as to produce a scarcity of money, and to collect into the hands of the stockholders of the said bank, almost the whole of the money which remains amongst us.

That the accumulation of enormous wealth in the hands of a society, who claim perpetual duration, will necessarily produce a degree of influence and power, which cannot be intrusted in the hands of any set of men whatsoever, without endangering the public safety. That the said bank, in its corporate capacity, is empowered to hold estates to the amount of ten millions of dollars, and by the tenor of the present charter, is to exist forever, without being obliged to yield any emolument to the government, or to be at all dependent upon it. That the great profits of the bank which will daily increase as money grows scarcer, and which already far exceed the profits of European banks, have tempted foreigners to vest their money in this bank, and thus to draw from us large sums for interest.

That foreigners will doubtless be more and more induced to become stockholders, until the time may arrive when this enormous engine of power may become subject to foreign influence; this country may be agitated with the politics of European courts, and the good people of America reduced once more into a state of subordination, and dependence upon some one or other of the European powers. That at best, if it were even confined to the hands of Americans, it would be totally destructive of that equality which ought to prevail in a republic.

We have nothing in our free and equal government capable of balancing the influence which this bank must create—and we see nothing which in the course of a few years, can prevent the directors of the bank from governing Pennsylvania. Already we have felt its influence indirectly interfering in the measures of the legis-

So far as my private judgment is capable of comprehending the subject, it appears to me that the committee were unacquainted with, and have totally mistaken, the nature and business of a bank, as well as the matter committed to them, considered as a proceeding of government.

They were instructed by the house to *inquire* whether the bank established at Philadelphia was compatible with the public safety. It is scarcely possible to suppose the instructions meant no more than that they were to inquire of one another. It is certain they made no inquiry at the bank, to inform themselves of the situation of its affairs, how they were conducted, what aids it had rendered the public cause, or whether any;

lature. Already the House of Assembly, the representatives of the people, have been threatened, that the credit of our paper currency will be blasted by the bank; and if this growing evil continues, we fear the time is not very distant, when the bank will be able to dictate to the legislature, what laws to pass and what to forbear.

Your committee therefore beg leave to further report the following resolution to be adopted by the House—*viz.*

Resolved, that a committee be appointed to bring in a bill to repeal the act of Assembly passed the first day of April, 1782, entitled, "An act to incorporate the subscribers to the Bank of North America": and also to repeal one other act of Assembly, passed the eighteenth of March, 1782, entitled, "An act for preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the president, directors and company, of the Bank of North America, and for the other purposes therein mentioned."

nor do the committee produce in their report a single fact or circumstance to show that they made any inquiry at all, or whether the rumors then circulated were true or false; but content themselves with modeling the insinuations of the petitions into a report and giving an opinion thereon.

It would appear from the report, that the committee either conceived that the House had already determined how it would act, without regard to the case, and that they were only a committee for form sake, and to give a color of inquiry without making any, or that the case was referred to them, *as law-questions are sometimes referred to law-officers for an opinion only.*

This method of doing public business serves exceedingly to mislead a country. When the constituents of an assembly hear that an inquiry into any matter is directed to be made, and a committee appointed for that purpose, they naturally conclude that the inquiry *is made,* and that the future proceedings of the House are in consequence of the matters, facts, and information obtained by means of that inquiry. But here is a committee of inquiry making no inquiry at all, and giving an opinion on a case without inquiring into the merits of it. This proceeding of the

committee would justify an opinion that it was not their wish to *get,* but to *get over* information, and lest the inquiry should not suit their wishes, omitted to make any.

The subsequent conduct of the House, in resolving not to hear the directors of the bank, on their application for that purpose, prior to the publication of the bill for the consideration of the people, strongly corroborates this opinion; for why should not the House hear them, unless it was apprehensive that the bank, by such a public opportunity, would produce proofs of its services and usefulness, that would not suit the temper and views of its oppressors?

But if the House did not wish or choose to hear the defense of the bank, it was no reason that their constituents should not. The Constitution of this State, in lieu of having two branches of legislature, has substituted, that, "to the end that laws before they are enacted may be more *maturely considered,* and the inconvenience of *hasty determinations* as much as possible prevented, all bills of a public nature shall be printed for the consideration of the people."* The people, therefore, according to the Constitution, stand in the place of another House; or, more

* Constitution, sect. 15th.

properly speaking, are a house in their own right. But in this instance, the Assembly arrogates the whole power to itself, and places itself as a bar to stop the necessary information spreading among the people.

The application of the bank to be heard before the bill was published for public consideration had two objects. First, to the House—and secondly, through the House to the people, who are as another house. It was as a defense in the first instance, and as an appeal in the second. But the Assembly absorbs the right of the people to judge; because, by refusing to hear the defense, they barred the appeal. Were there no other cause which the constituents of that Assembly had for censuring its conduct, than the exceeding unfairness, partiality, and arbitrariness with which its business was transacted, it would be cause sufficient.

Let the constituents of assemblies differ, as they may, respecting certain peculiarities in the *form* of the constitution, they will all agree in supporting its *principles,* and in reprobating unfair proceedings and despotic measures. Every constituent is a member of the republic, which is a station of more consequence to him than being a member of a party, and though they may dif-

fer from each other in their choice of persons to transact the public business, it is of equal importance to all parties that the business be done on right principles; otherwise our laws and acts, instead of being founded in justice, will be founded in party, and be laws and acts of retaliation; and instead of being a republic of free citizens, we shall be alternately tyrants and slaves. But to return to the report.

The report begins by stating that, "The committee to whom was referred the petitions concerning the bank established at Philadelphia, and who were instructed to *inquire* whether the said bank be compatible with the public safety, and that equality which ought ever to prevail between the individuals of a republic, beg leave to report" (not that they have made any *inquiry,* but) "that it is the *opinion* of this committee, that the said bank, as at present established, is, in every view, incompatible with the public safety." But why is it so? Here is an opinion unfounded and unwarranted. The committee have begun their report at the wrong end; for an opinion, when given as a matter of judgment, is an action of the mind which follows a fact, but here it is put in the room of one.

The report then says, "that in the present

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state of our trade, the said bank has a direct tendency to banish a great part of the specie from the country, and to collect into the hands of the stockholders of the bank, almost the whole of the money which remains among us."

Here is another mere assertion, just like the former, without a single fact or circumstance to show why it is made, or whereon it is founded. Now the very reverse of what the committee asserts is the natural consequence of a bank. Specie may be called the stock in trade of the bank, it is therefore its interest to prevent it from wandering out of the country, and to keep a constant standing supply to be ready for all domestic occasions and demands.

Were it true that the bank has a direct tendency to banish the specie from the country, there would soon be an end to the bank; and, therefore, the committee have so far mistaken the matter, as to put their fears in the place of their wishes: for if it is to happen as the committee states, let the bank alone and it will cease of itself, and the repealing act need not have been passed.

It is the interest of the bank that people should keep their cash there, and all commercial countries find the exceeding great convenience of

having a general depository for their cash. But so far from banishing it, there are no two classes of people in America who are so much interested in preserving hard money in the country as the bank and the merchant. Neither of them can carry on their business without it. Their opposition to the paper money of the late Assembly was because it has a direct effect, as far as it is able, to banish the specie, and that without providing any means for bringing more in.

The committee must have been aware of this, and therefore chose to spread the first alarm, and, groundless as it was, to trust to the delusion.

As the keeping the specie in the country is the interest of the bank, so it has the best opportunities of preventing its being sent away, and the earliest knowledge of such a design. While the bank is the general depository of cash, no great sums can be obtained without getting it from thence, and as it is evidently prejudicial to its interest to advance money to be sent abroad, because in this case the money cannot by circulation return again, the bank, therefore, is interested in preventing what the committee would have it suspected of promoting.

It is to prevent the exportation of cash, and to retain it in the country, that the bank has, on

several occasions, stopped the discounting notes till the danger had been passed.* The first part, therefore, of the assertion, that of banishing the specie, contains an apprehension as needless as it

*The petitions say, "That they have frequently seen the stopping of discounts at the bank operate on the trading part of the community, with a degree of violence scarcely inferior to that of a stagnation of the blood in the human body, hurrying the wretched merchant who hath debts to pay into the hands of griping usurers."

As the persons who say or signed this live somewhere in Chester County, they are not, from situation, certain of what they say. Those petitions have every appearance of being contrived for the purpose of bringing the matter on. The petitions and the report have strong evidence in them of being both drawn by the same person: for the report is as clearly the echo of the petitions as ever the address of the British Parliament was the echo of the King's speech.

Besides the reason I have already given for occasionally stopping discounting notes at the bank, there are other necessary reasons. It is for the purpose of settling accounts; short reckonings make long friends. The bank lends its money for short periods, and by that means assists a great many different people: and if it did not sometimes stop discounting as a means of settling with the persons it has already lent its money to, those persons would find a way to keep what they had borrowed longer than they ought, and prevent others being assisted. It is a fact, and some of the committee know it to be so, that sundry of those persons who then opposed the bank acted this part.

The stopping the discounts do not, and cannot, operate to call in the loans sooner than the time for which they were lent, and therefore the charge is false that "it hurries men into the hands of griping usurers": and the truth is, that it operates to keep them from them.

If petitions are to be contrived to cover the design of a house of assembly, and give a pretense for its conduct, or if a house is to be led by the nose by the idle tale of any fifty or sixty signers to a petition, it is time for the public to look a little closer into the conduct of its representatives.

is groundless, and which, had the committee understood, or been the least informed of the nature of a bank, they could not have made. It is very probable that some of the opposers of the bank are those persons who have been disappointed in their attempts to obtain specie for this purpose, and now disguise their opposition under other pretenses.

I now come to the second part of the assertion, which is, that when the bank has banished a great part of the specie from the country, "it will collect into the hands of the stockholders almost the whole of the money which remains among us." But how, or by what means, the bank is to accomplish this wonderful feat, the committee have not informed us. Whether people are to give their money to the bank for nothing, or whether the bank is to charm it from them as a rattlesnake charms a squirrel from a tree, the committee have left us as much in the dark about as they were themselves.

Is it possible the committee should know so very little of the matter, as not to know that no part of the money which at any time may be in the bank belongs to the stockholders? Not even the original capital which they put in is any part of it their own, until every person who has

a demand upon the bank is paid, and if there is not a sufficiency for this purpose, on the balance of loss and gain, the original money of the stockholders must make up the deficiency.

The money, which at any time may be in the bank, is the property of every man who holds a bank note, or deposits cash there, or who has a just demand upon it from the city of Philadelphia up to Fort Pitt, or to any part of the United States; and he can draw the money from it when he pleases. Its being in the bank, does not in the least make it the property of the stockholders, any more than the money in the state treasury is the property of the state treasurer. They are only stewards over it for those who please to put it, or let it remain there: and, therefore, this second part of the assertion is somewhat ridiculous.

The next paragraph in the report is, "that the accumulation of *enormous wealth* in the hands of a *society* who claim perpetual duration, will necessarily produce a degree of influence and power which cannot be intrusted in the hands of any set of men whatsoever" (the committee I presume excepted) "without endangering public safety." There is an air of solemn fear in this paragraph which is something like introduc-

ing a ghost in a play to keep people from laughing at the players.

I have already shown that whatever wealth there may be, at any time, in the bank, is the property of those who have demands upon the bank, and not the property of the stockholders. As a society they hold no property, and most probably never will, unless it should be a house to transact their business in, instead of hiring one. Every half year the bank settles its accounts, and each individual stockholder takes his dividend of gain or loss to himself, and the bank begins the next half year in the same manner it began the first, and so on. This being the nature of a bank, there can be no accumulation of wealth among them as a society.

For what purpose the word *"society"* is introduced into the report I do not know, unless it be to make a false impression upon people's minds. It has no connection with the subject, for the bank is not a society, but a company, and denominated so in the charter. There are several religious societies incorporated in this State, which hold property as the right of those societies, and to which no person can belong that is not of the same religious profession. But this is not the case with the bank. The bank is a com-

pany for the promotion and convenience of commerce, which is a matter in which all the State is interested, and holds no property in the manner which those societies do.

But there is a direct contradiction in this paragraph to that which goes before it. The committee, there, accuses the bank of banishing the specie, and here, of accumulating enormous sums of it. So here are two enormous sums of specie; one enormous sum going out, and another enormous sum remaining. To reconcile this contradiction, the committee should have added to their report, *that they suspected the bank had found out the philosopher's stone, and kept it a secret.*

The next paragraph is, "that the said bank, in its corporate capacity, is empowered to hold estates to the amount of ten millions of dollars, and by the tenor of the present charter is to exist for ever, without being obliged to yield any emolument to the government, or be in the least dependent on it."

The committee have gone so vehemently into this business, and so completely shown their want of knowledge in every point of it, as to make, in the first part of this paragraph, a fear of what, the greater fear is, will never happen. Had the committee known anything of banking, they

must have known, that the objection against banks has been (not that they held great estates but) that they held none; that they had no real, fixed, and visible property, and that it is the maxim and practise of banks not to hold any.

The Honorable Chancellor Livingston, late secretary for foreign affairs, did me the honor of showing, and discoursing with me on, a plan of a bank he had drawn up for the state of New York. In this plan it was made a condition or obligation, that whatever the capital of the bank amounted to in specie, there should be added twice as much in real estates. But the mercantile interest rejected the proposition.

It was a very good piece of policy in the Assembly which passed the charter act, to add the clause to empower the bank to purchase and hold real estates. It was as an inducement to the bank to do it, because such estates being held as the property of the bank would be so many mortgages to the public in addition to the money capital of the bank.

But the doubt is that the bank will not be induced to accept the opportunity. The bank has existed five years, and has not purchased a shilling of real property: and as such property or estates cannot be purchased by the bank but

with the interest money which the stock produces, and as that is divided every half year among the stockholders, and each stockholder chooses to have the management of his own dividend, and if he lays it out in purchasing an estate to have that estate his own private property, and under his own immediate management, there is no expectation, so far from being any fear, that the clause will be accepted.

Where knowledge is a duty, ignorance is a crime; and the committee are criminal in not understanding this subject better. Had this clause not been in the charter, the committee might have reported the want of it as a defect, in not empowering the bank to hold estates as a real security to its creditors: but as the complaint now stands, the accusation of it is, that the charter empowers the bank to *give real security* to its creditors. A complaint never made, heard of, or thought of before.

The second article in this paragraph is, "that the bank, according to the tenor of the present charter, is to exist forever." Here I agree with the committee, and am glad to find that among such a list of errors and contradictions there is one idea which is not wrong, although the committee have made a wrong use of it.

As we are not to live forever ourselves, and other generations are to follow us, we have neither the power nor the right to govern them, or to say how they shall govern themselves. It is the summit of human vanity, and shows a covetousness of power beyond the grave, to be dictating to the world to come. It is sufficient that we do that which is right in our own day, and leave them with the advantage of good examples.

As the generations of the world are every day both commencing and expiring, therefore, when any public act, of this sort, is done, it naturally supposes the age of that generation to be then beginning, and the time contained between coming of age, and the natural end of life, is the extent of time it has a right to go to, which may be about thirty years; for though many may die before, others will live beyond; and the mean time is equally fair for all generations.

If it was made an article in the Constitution, that all laws and acts should cease of themselves in thirty years, and have no legal force beyond that time, it would prevent their becoming too numerous and voluminous, and serve to keep them within view in a compact compass. Such as were proper to be continued, would be enacted again, and those which were not, would go into

oblivion. There is the same propriety that a nation should fix a time for a full settlement of its affairs, and begin again from a new date, as that an individual should; and to keep within the distance of thirty years would be a convenient period.

The British, from the want of some general regulation of this kind, have a great number of obsolete laws; which, though out of use and forgotten, are not out of force, and are occasionally brought up for particular purposes, and innocent, unwary persons trapanned thereby.

To extend this idea still further—it would probably be a considerable improvement in the political system of nations, to make all treaties of peace for a limited time. It is the nature of the mind to feel uneasy under the idea of a condition perpetually existing over it, and to excite in itself apprehensions that would not take place were it not from that cause.

Were treaties of peace made for, and renewable every seven or ten years, the natural effect would be, to make peace continue longer than it does under the custom of making peace forever. If the parties felt, or apprehended, any inconveniences under the terms already made, they would look forward to the time when they should

be eventually relieved therefrom, and might renew the treaty on improved conditions.

This opportunity periodically occurring, and the recollection of it always existing, would serve as a chimney to the political fabric, to carry off the smoke and fume of national fire. It would naturally abate and honorably take off the edge and occasion for fighting: and however the parties might determine to do it, when the time of the treaty should expire, it would then seem like fighting in cool blood: the fighting temper would be dissipated before the fighting time arrived, and negotiation supply its place. To know how probable this may be, a man need do no more than observe the progress of his own mind on any private circumstance similar in its nature to a public one. But to return to my subject.

To give limitation is to give duration: and though it is not a justifying reason, that because an act or contract is not to last forever, that it shall be broken or violated to-day, yet, where no time is mentioned, the omission affords an opportunity for the abuse. When we violate a contract on this pretense, we assume a right that belongs to the next generation; for though they, as a following generation, have the right of altering or setting it aside, as not being concerned

in the making it, or not being done in their day, we, who made it, have not that right; and, therefore, the committee, in this part of their report, have made a wrong use of a right principle; and as this clause in the charter might have been altered by the consent of the parties, it cannot be produced to justify the violation. And were it not altered there would be no inconvenience from it.

The term "forever" is an absurdity that would have no effect. The next age will think for itself, by the same rule of right that we have done, and not admit any assumed authority of ours to encroach upon the system of their day. Our *forever* ends, where their *forever* begins.

The third article in this paragraph is, that the bank holds its charter "without being obliged to yield any emolument to the Government."

Ingratitude has a short memory. It was on the failure of the Government to support the public cause, that the bank originated. It stepped in as a support, when some of the persons then in the Government, and who now oppose the bank, were apparently on the point of abandoning the cause, not from disaffection, but from despair. While the expenses of the war were carried on by emissions of Continental money, any

set of men, in government, might carry it on. The means being provided to their hands, required no great exertions of fortitude or wisdom; but when this means failed, they would have failed with it, had not a public spirit awakened itself with energy out-of-doors. It was easy times to the governments while Continental money lasted. The dream of wealth supplied the reality of it; but when the dream vanished, the government did not awake.

But what right has the government to expect any emolument from the bank? Does the committee mean to set up acts and charters for sale, or what do they mean? Because it is the practise of the British Ministry to grind a toll out of every public institution they can get a power over, is the same practise to be followed here?

The war being now ended, and the bank having rendered the service expected, or rather hoped for, from it, the principal public use of it, at this time, is for the promotion and extension of commerce. The whole community derives benefit from the operation of the bank. It facilitates the commerce of the country. It quickens the means of purchasing and paying for country produce, and hastens on the exportation of it. The emolu-

ment, therefore, being to the community, it is the office and duty of government to give protection to the bank.

Among many of the principal conveniences arising from the bank, one of them is, that it gives a kind of life to, what would otherwise be, dead money. Every merchant and person in trade, has always in his hands some quantity of cash, which constantly remains with him; that is, he is never entirely without: this remnant money, as it may be called, is of no use to him till more is collected to it. He can neither buy produce nor merchandise with it, and this being the case with every person in trade, there will be (though not all at the same time) as many of those sums lying uselessly by, and scattered throughout the city, as there are persons in trade, besides many that are not in trade.

I should not suppose the estimate overrated, in conjecturing, that half the money in the city, at any one time, lies in this manner. By collecting those scattered sums together, which is done by means of the bank, they become capable of being used, and the quantity of circulating cash is doubled, and by the depositors alternately lending them to each other, the commercial system is invigorated: and as it is the interest of the

bank to preserve this money in the country for domestic uses only, and as it has the best opportunity of doing so, the bank serves as a sentinel over the specie.

If a farmer, or a miller, comes to the city with produce, there are but few merchants that can individually purchase it with ready money of their own; and those few would command nearly the whole market for country produce; but, by means of the bank, this monopoly is prevented, and the chance of the market enlarged.

It is very extraordinary that the late Assembly should promote monopolizing; yet such would be the effect of suppressing the bank; and it is much to the honor of those merchants, who are capable by their fortunes of becoming monopolizers, that they support the bank. In this case, honor operates over interest. They were the persons who first set up the bank, and their honor is now engaged to support what it is their interest to put down.

If merchants, by this means, or farmers, by similar means, among themselves, can mutually aid and support each other, what has the government to do with it? What right has it to expect emolument from associated industry, more than from individual industry? It would be a strange

sort of government, that should make it illegal for people to assist each other, or pay a tribute for doing so.

But the truth is, that the government has already derived emoluments, and very extraordinary ones. It has already received its full share, by the services of the bank during the war; and it is every day receiving benefits, because whatever promotes and facilitates commerce, serves likewise to promote and facilitate the revenue.

The last article in this paragraph is, "that the bank is not the least dependent on the government."

Have the committee so soon forgotten the principles of republican government and Constitution, or are they so little acquainted with them, as not to know, that this article in their report partakes of the nature of treason? Do they not know, that freedom is destroyed by dependence, and the safety of the state endangered thereby? Do they not see, that to hold any part of the citizens of the state, as yearly pensioners on the favor of an assembly, is striking at the root of free elections?

If other parts of their report discover a want of knowledge on the subject of banks, this shows a want of principle in the science of government.

Only let us suppose this dangerous idea carried into practise, and then see what it leads to. If corporate bodies are, after their incorporation to be annually dependent on an assembly for the continuance of their charter, the citizens which compose those corporations, are not free. The Government holds an authority and influence over them, in a manner different from what it does over other citizens, and by this means destroys that equality of freedom, which is the bulwark of the republic and the Constitution.

By this scheme of government any party, which happens to be uppermost in a state, will command all the corporations in it, and may create more for the purpose of extending that influence. The dependent borough towns in England are the rotten parts of their government and this idea of the committee has a very near relation to it.

"If you do not do so and so," expressing what was meant, "take care of your charter," was a threat thrown out against the bank. But as I do not wish to enlarge on a disagreeable circumstance and hope that what is already said is sufficient to show the anti-constitutional conduct and principles of the committee, I shall pass on to the next paragraph in the report. Which is—

"That the great profits of the bank, which will daily increase as money grows scarcer, and which already far exceed the profits of European banks, have tempted foreigners to vest their money in this bank, and thus to draw from us large sums for interest."

Had the committee understood the subject, some dependence might be put on their opinion which now cannot. Whether money will grow scarcer, and whether the profits of the bank will increase, are more than the committee know, or are judges sufficient to guess at. The committee are not so capable of taking care of commerce, as commerce is capable of taking care of itself.

The farmer understands farming, and the merchant understands commerce; and as riches are equally the object of both, there is no occasion that either should fear that the other will seek to be poor. The more money the merchant has, so much the better for the farmer who has produce to sell; and the richer the farmer is, so much the better for the merchant, when he comes to his store.

As to the profits of the bank, the stockholders must take their chance for it. It may some years be more and others less, and upon the whole may not be so productive as many other ways that

money may be employed. It is the convenience which the stockholders, as commercial men, derive from the establishment of the bank, and not the mere interest they receive, that is the inducement to them. It is the ready opportunity of borrowing alternately of each other that forms the principal object: and as they pay as well as receive a great part of the interest among themselves, it is nearly the same thing, both cases considered at once, whether it is more or less.

The stockholders are occasionally depositors and sometimes borrowers of the bank. They pay interest for what they borrow, and receive none for what they deposit; and were a stockholder to keep a nice account of the interest he pays for the one and loses on the other, he would find, at the year's end, that ten per cent on his stock would probably not be more than common interest on the whole, if so much.

As to the committee complaining "that foreigners by vesting their money in the bank will draw large sums from us for interest," it is like a miller complaining, in a dry season, that so much water runs into his dam some of it runs over.

Could those foreigners draw this interest without putting in any capital, the complaint

would be well founded; but as they must first put money in before they can draw any out, as they must draw many years before they can draw even the numerical sum they put in at first, the effect for at least twenty years to come, will be directly contrary to what the committee states; because we draw *capital* from them and they only *interest* from us, and as we shall have the use of the money all the while it remains with us, the advantage will always be in our favor. In framing this part of the report, the committee must have forgotten which side of the Atlantic they were on, for the case would be as they state it if we put money into their bank instead of their putting it into ours.

I have now gone through, line by line, every objection against the bank, contained in the first half of the report; what follows may be called, *The lamentations of the committee,* and a lamentable, pusillanimous, degrading thing it is.

It is a public affront, a reflection upon the sense and spirit of the whole country. I shall give the remainder together, as it stands in the report, and then my remarks. The lamentations are:

> That foreigners will doubtless be more and more induced to become stock holders, until the time may

arrive when this *enormous* engine of power may become subject to foreign influence, this country may be agitated by the politics of European courts, and the good people of America reduced once more into a state of subordination and dependence upon some one or other of the European powers. That at best, if it were even confined to the hands of Americans, it would be totally destructive of that equality which ought to prevail in a republic. We have nothing in our free and equal government capable of balancing the influence which this bank must create; and we see nothing which in the course of a few years can prevent the directors of the bank from governing Pennsylvania. Already we have felt its influence indirectly interfering in the measures of the Legislature. Already the House of Assembly, the representatives of the people, have been threatened, that the credit of our paper currency will be blasted by the bank; and if this growing evil continues, we fear the time is not very distant when the bank will be able to dictate to the Legislature, what laws to pass and what to forbear.

When the sky falls we shall all be killed. There is something so ridiculously grave, so wide of probability, and so wild, confused and inconsistent in the whole composition of this long paragraph, that I am at a loss how to begin upon it.

It is like a drowning man crying fire! fire!

This part of the report is made up of two dreadful predictions. The first is, that if foreigners purchase bank stock, we shall be all ruined;—the second is, that if the Americans keep the bank to themselves, we shall be also ruined.

A committee of fortune-tellers is a novelty in government, and the gentlemen, by giving this specimen of their art, have ingeniously saved their honor on one point, which is, that though the people may say they are not bankers, nobody can say they are not conjurers. There is, however, one consolation left, which is, that the committee do not know *exactly* how long it may be; so there is some hope that we may all be in heaven when this dreadful calamity happens upon earth.

But to be serious, if any seriousness is necessary on so laughable a subject. If the State should think there is anything improper in foreigners purchasing bank stock, or any other kind of stock or funded property (for I see no reason why bank stock should be particularly pointed at) the Legislature have authority to prohibit it. It is a mere political opinion that has nothing to do with the charter, or the charter with that; and therefore the first dreadful prediction vanishes.

It has always been a maxim in politics, founded on, and drawn from, natural causes and consequences, that the more foreign countries which any nation can interest in the prosperity of its own, so much the better. Where the treasure is, there will the heart be also; and therefore when foreigners vest their money with us, they natur-

ally invest their good wishes with it; and it is we that obtain an influence over them, not they over us. But the committee set out so very wrong at first, that the further they traveled, the more they were out of their way; and now they have got to the end of their report, they are at the utmost distance from their business.

As to the second dreadful part, that of the bank overturning the government, perhaps the committee meant that at the next general election themselves might be turned out of it, which has partly been the case; not by the influence of the bank, for it had none, not even enough to obtain the permission of a hearing from government, but by the influence of reason and the choice of the people, who most probably resent the undue and unconstitutional influence which that House and committee were assuming over the privileges of citizenship.

The committee might have been so modest as to have confined themselves to the bank, and not thrown a general odium on the whole country. Before the events can happen which the committee predict, the electors of Pennsylvania must become dupes, dunces, and cowards, and, therefore, when the committee predict the dominion of the bank they predict the disgrace of the people.

The committee having finished their report, proceed to give their advice, which is,

> That a committee be appointed to bring in a bill to repeal the act of Assembly passed the first day of April, 1782, entitled, "An act to incorporate the subscribers to the Bank of North America," and also to repeal one other act of the Assembly passed the eighteenth of March, 1782, entitled, "An act for preventing and punishing the counterfeiting of the common seal, bank-bills and bank notes of the president, directors and company of the Bank of North America, and for other purposes therein mentioned."

There is something in this sequel to the report that is perplexed and obscure.

Here are two acts to be repealed. One is, the incorporating act. The other, the act for preventing and punishing the counterfeiting of the common seal, bank bills, and bank notes of the president, directors and company of the Bank of North America.

It would appear from the committee's manner of arranging them (were it not for the difference of their dates) that the act for punishing the counterfeiting the common seal, etc., of the bank followed the act of incorporation, and that the common seal there referred to is a common seal which the bank held in consequence of the aforesaid incorporating act. But the case is quite

otherwise. The act for punishing the counterfeiting the common seal, etc. of the bank, was passed prior to the incorporating act, and refers to the common seal which the bank held in consequence of the charter of Congress, and the style which the act expresses, of president, directors and company of the Bank of North America, is the corporate style which the bank derives under the Congress charter.

The punishing act, therefore, hath two distinct legal points. The one is, an authoritative public recognition of the charter of Congress. The second is, the punishment it inflicts on counterfeiting.

The Legislature may repeal the punishing part but it cannot undo the recognition, because no repealing act can say that the State has not recognized. The recognition is a mere matter of fact, and no law or act can undo a fact, or put it, if I may so express it, in the condition it was before it existed. The repealing act therefore does not reach the full point the committee had in view; for even admitting it to be a repeal of the state charter, it still leaves another charter recognized in its stead.

The charter of Congress, standing merely on itself, would have a doubtful authority,

but recognition of it by the state gives it legal ability. The repealing act, it is true sets aside the punishment, but does not bar the operation of the charter of Congress as a charter recognized by the state, and therefore the committee did their business but by halves.

I have now gone entirely through the report of the committee, and a more irrational, inconsistent, contradictory report will scarcely be found on the journals of any legislature of America.

How the repealing act is to be applied, or in what manner it is to operate, is a matter yet to be determined. For admitting a question of law to arise, whether the charter, which that act attempts to repeal, is a law of the land in the manner which laws of universal operation are, or of the nature of a contract made between the public and the bank (as I have already explained in this work), the repealing act does not and cannot decide the question, because it is the repealing act that makes the question, and its own fate is involved in the decision. It is a question of law and not a question of legislation, and must be decided on in a court of justice and not by a house of assembly.

But the repealing act, by being passed prior

to the decision of this point, assumes the power of deciding it, and the assembly in so doing erects itself unconstitutionally into a tribunal of judicature, and absorbs the authority and right of the courts of justice into itself.

Therefore the operation of the repealing act, in its very outset, requires injustice to be done. For it is impossible on the principles of a republican government and the Constitution, to pass an act to forbid any of the citizens the right of appealing to the courts of justice on any matter in which his interest or property is affected; but the first operation of this act goes to shut up the courts of justice and holds them subservient to the Assembly. It either commands or influences them not to hear the case, or to give judgment on it on the mere will of one party only.

I wish the citizens to awaken themselves on this subject. Not because the bank is concerned, but because their own constitutional rights and privileges are involved in the event. It is a question of exceeding great magnitude; for if an assembly is to have this power, the laws of the land and the courts of justice are but of little use.

Having now finished with the report, I pro-

ceed to the third and last subject—that of paper money.

I remember a German farmer expressing as much in a few words as the whole subject requires; *"money is money, and paper is paper."*

All the invention of man cannot make them otherwise. The alchemist may cease his labors, and the hunter after the philosopher's stone go to rest, if paper can be metamorphosed into gold and silver, or made to answer the same purpose in all cases.

Gold and silver are the emissions of nature: paper is the emission of art. The value of gold and silver is ascertained by the quantity which nature has made in the earth. We cannot make that quantity more or less than it is, and therefore the value being dependent upon the quantity, depends not on man. Man has no share in making gold or silver; all that his labors and ingenuity can accomplish is, to collect it from the mine, refine it for use and give it an impression, or stamp it into coin.

Its being stamped into coin adds considerably to its convenience but nothing to its value. It has then no more value than it had before. Its value is not in the impression but in itself. Take away the impression and still the same value re-

mains. Alter it as you will, or expose it to any misfortune that can happen, still the value is not diminished. It has a capacity to resist the accidents that destroy other things. It has, therefore, all the requisite qualities that money can have, and is a fit material to make money of; and nothing which has not all those properties, can be fit for the purpose of money.

Paper, considered as a material whereof to make money, has none of the requisite qualities in it. It is too plentiful, and too easily come at. It can be had anywhere, and for a trifle.

There are two ways in which I shall consider paper.

The only proper use for paper, in the room of money, is to write promissory notes and obligations of payment in specie upon. A piece of paper, thus written and signed, is worth the sum it is given for, if the person who gives it is able to pay it; because in this case, the law will oblige him. But if he is worth nothing, the paper note is worth nothing. The value, therefore, of such a note, is not in the note itself, for that is but paper and promise, but in the man who is obliged to redeem it with gold or silver.

Paper, circulating in this manner, and for this purpose, continually points to the place and

person where, and of whom, the money is to be had, and at last finds its home; and, as it were, unlocks its master's chest and pays the bearer.

But when an assembly undertake to issue paper *as* money, the whole system of safety and certainty is overturned, and property set afloat. Paper notes given and taken between individuals as a promise of payment is one thing, but paper issued by an assembly *as* money is another thing. It is like putting an apparition in the place of a man; it vanishes with looking at it, and nothing remains but the air.

Money, when considered as the fruit of many years industry, as the reward of labor, sweat and toil, as the widow's dowry and children's portion, and as the means of procuring the necessaries and alleviating the afflictions of life, and making old age a scene of rest, has something in it sacred that is not to be sported with, or trusted to the airy bubble of paper currency.

By what power or authority an assembly undertakes to make paper money, is difficult to say. It derives none from the Constitution, for that is silent on the subject. It is one of those things which the people have not delegated, and which, were they at any time assembled together, they would not delegate. It is, therefore, an assump-

tion of power which an assembly is not warranted in, and which may, one day or other, be the means of bringing some of them to punishment.

I shall enumerate some of the evils of paper money and conclude with offering means for preventing them.

One of the evils of paper money is, that it turns the whole country into stock jobbers. The precariousness of its value and the uncertainty of its fate continually operate, night and day, to produce this destructive effect. Having no real value in itself it depends for support upon accident, caprice and party, and as it is the interest of some to depreciate and of others to raise its value, there is a continual invention going on that destroys the morals of the country.

It was horrid to see, and hurtful to recollect, how loose the principles of justice were left, by means of the paper emissions during the war. The experience then had, should be a warning to any assembly how they venture to open such a dangerous door again.

As to the romantic, if not hypocritical, tale that a virtuous people need no gold and silver, and that paper will do as well, it requires no other contradiction than the experience we have seen. Though some well meaning people may be in-

clined to view it in this light, it is certain that the sharper always talks this language.

There are a set of men who go about making purchases upon credit, and buying estates they have not wherewithal to pay for; and having done this, their next step is to fill the newspapers with paragraphs of the scarcity of money and the necessity of a paper emission, then to have a legal tender under the pretense of supporting its credit, and when out, to depreciate it as fast as they can, get a deal of it for a little price, and cheat their creditors; and this is the concise history of paper money schemes.

But why, since the universal custom of the world has established money as the most convenient medium of traffic and commerce, should paper be set up in preference to gold and silver? The productions of nature are surely as innocent as those of art; and in the case of money, are abundantly, if not infinitely, more so. The love of gold and silver may produce covetousness, but covetousness, when not connected with dishonesty, is not properly a vice. It is frugality run to an extreme.

But the evils of paper money have no end. Its uncertain and fluctuating value is continually awakening or creating new schemes of deceit.

Every principle of justice is put to the rack, and the bond of society dissolved: the suppression, therefore, of paper money might very properly have been put into the act for preventing vice and immorality.

The pretense for paper money has been, that there was not a sufficiency of gold and silver. This, so far from being a reason for paper emissions, is a reason against them.

As gold and silver are not the productions of North America, they are, therefore, articles of importation; and if we set up a paper manufactory of money it amounts, as far as it is able, to prevent the importation of hard money, or to send it out again as fast as it comes in; and by following this practise we shall continually banish the specie, till we have none left, and be continually complaining of the grievance instead of remedying the cause.

Considering gold and silver as articles of importation, there will in time, unless we prevent it by paper emissions, be as much in the country as the occasions of it require, for the same reasons there are as much of other imported articles. But as every yard of cloth manufactured in the country occasions a yard the less to be imported, so it is by money, with this difference, that in the one

case we manufacture the thing itself and in the other we do not. We have cloth for cloth, but we have only paper dollars for silver ones.

As to the assumed authority of any assembly in making paper money, or paper of any kind, a legal tender, or in other language, a compulsive payment, it is a most presumptuous attempt at arbitrary power. There can be no such power in a republican government: the people have no freedom, and property no security where this practise can be acted: and the committee who shall bring in a report for this purpose, or the member who moves for it, and he who seconds it merits impeachment, and sooner or later may expect it.

Of all the various sorts of base coin, paper money is the basest. It has the least intrinsic value of anything that can be put in the place of gold and silver. A hobnail or a piece of wampum far exceeds it. And there would be more propriety in making those articles a legal tender than to make paper so.

It was the issuing base coin, and establishing it as a tender, that was one of the principal means of finally overthrowing the power of the Stuart family in Ireland. The article is worth reciting

as it bears such a resemblance to the process practised in paper money.

Brass and copper of the basest kind, old cannon, broken bells, household utensils were assiduously collected; and from every pound weight of such vile materials, valued at four pence, pieces were coined and circulated to the amount of five pounds normal value. By the first proclamation they were made current in all payments to and from the King and the subjects of the realm, except in duties on the importation of foreign goods, money left in trust, or due by mortgage, bills or bonds; and James promised that when the money should be decried, he would receive it in all payments, or make full satisfaction in gold and silver. The nominal value was afterwards raised by subsequent proclamations, the original restrictions removed, and this base money was ordered to be received in all kinds of payments. As brass and copper grew scarce, it was made of still viler materials, of tin and pewter, and old debts of one thousand pounds were discharged by pieces of vile metal amounting to thirty shillings in intrinsic value.*

Had King James thought of paper, he needed not to have been at the trouble or expense of collecting brass and copper, broken bells, and household utensils.

The laws of a country ought to be the standard of equity, and calculated to impress on the minds of the people the moral as well as the legal obligations of reciprocal justice. But tender

* Leland's "History of Ireland," Vol. IV. p. 265

laws, of any kind, operate to destroy morality, and to dissolve, by the pretense of law, what ought to be the principle of law to support, reciprocal justice between man and man: and the punishment of a member who should move for such a law ought to be *death*.

When the recommendation of Congress, in the year 1780, for repealing the tender laws was before the Assembly of Pennsylvania, on casting up the votes, for and against bringing in a bill to repeal those laws, the numbers were equal, and the casting vote rested on the Speaker, Colonel Bayard. "I give my vote," said he, "for the repeal, from a consciousness of justice; the tender laws operate to establish iniquity by law." But when the bill was brought in, the House rejected it, and the tender laws continued to be the means of fraud.

If anything had, or could have, a value equal to gold and silver, it would require no tender law: and if it had not that value it ought not to have such a law; and, therefore, all tender laws are tyrannical and unjust, and calculated to support fraud and oppression.

Most of the advocates for tender laws are those who have debts to discharge, and who take refuge in such a law, to violate their contracts and

cheat their creditors. But as no law can warrant the doing an unlawful act, therefore the proper mode of proceeding, should any such laws be enacted in future, will be to impeach and execute the members who moved for and seconded such a bill, and put the debtor and the creditor in the same situation they were in, with respect to each other, before such a law was passed. Men ought to be made to tremble at the idea of such a barefaced act of injustice. It is in vain to talk of restoring credit, or complain that money cannot be borrowed at legal interest, until every idea of tender laws is totally and publicly reprobated and extirpated from among us.

As to paper money, in any light it can be viewed, it is at best a bubble. Considered as property, it is inconsistent to suppose that the breath of an assembly, whose authority expires with the year, can give to paper the value and duration of gold. They cannot even engage that the next assembly shall receive it in taxes. And by the precedent, (for authority there is none,) that one assembly makes paper money, another may do the same, until confidence and credit are totally expelled, and all the evils of depreciation acted over again. The amount, therefore, of paper money is this, that it is the illegitimate

offspring of assemblies, and when their year expires, they leave a vagrant on the hands of the public.

Having now gone through the three subjects proposed in the title to this work, I shall conclude with offering some thoughts on the present affairs of the state.

My idea of a single legislature was always founded on a hope, that whatever personal parties there might be in the state, they would all unite and agree in the general principles of good government—that these party differences would be dropped at the threshold of the state house, and that the public good, or the good of the whole, would be the governing principle of the legislature within it.

Party dispute, taken on this ground, would only be, who should have the honor of making the laws; not what the laws should be. But when party operates to produce party laws, a single house is a single person, and subject to the haste, rashness and passion of individual sovereignty. At least, it is an aristocracy.

The form of the present Constitution is now made to trample on its principles, and the constitutional members are anti-constitutional legislators. They are fond of supporting the form

for the sake of the power, and they dethrone the principle to display the sceptre.

The attack of the late Assembly on the bank, discovers such a want of moderation and prudence, of impartiality and equity, of fair and candid inquiry and investigation, of deliberate and unbiased judgment, and such a rashness of thinking and vengeance of power, as is inconsistent with the safety of the republic. It was judging without hearing, and executing without trial.

By such rash, injudicious and violent proceedings, the interest of the state is weakened, its prosperity diminished, and its commerce and its specie banished to other places. Suppose the bank had not been in an immediate condition to have stood such a sudden attack, what a scene of instant distress would the rashness of that Assembly have brought upon this city and State. The holders of bank notes, whoever they might be, would have been thrown into the utmost confusion and difficulties. It is no apology to say the House never thought of this, for it was their duty to have thought of everything.

But by the prudent and provident management of the bank, (though unsuspicious of the attack,) it was enabled to stand the run upon it without stopping payment a moment, and to pre-

vent the evils and mischiefs taking place which the rashness of the Assembly had a direct tendency to bring on; a trial that scarcely a bank in Europe, under a similar circumstance, could have withstood.

I cannot see reason sufficient to believe that the hope of the House to put down the bank was placed on the withdrawing the charter, so much as on the expectation of producing a bankruptcy of the bank, by starting a run upon it. If this was any part of their project it was a very wicked one, because hundreds might have been ruined to gratify a party spleen.

But this not being the case, what has the attack amounted to, but to expose the weakness and rashness, the want of judgment as well as justice, of those who made it, and to confirm the credit of the bank more substantially than it was before?

The attack, it is true, has had one effect, which is not in the power of the Assembly to remedy; it has banished many thousand hard dollars from the State. By means of the bank, Pennsylvania had the use of a great deal of hard money belonging to citizens of other states, and that without any interest, for it laid here in the nature of deposit, the depositors taking bank notes in its

stead. But the alarm called those notes in and the owners drew out their cash.

The banishing the specie served to make room for the paper money of the Assembly and we have now paper dollars where we might have had silver ones. So that the effect of the paper money has been to make less money in the state than there was before. Paper money is like dram-drinking, it relieves for a moment by deceitful sensation, but gradually diminishes the natural heat, and leaves the body worse than it found it. Were not this the case, and could money be made of paper at pleasure, every sovereign in Europe would be as rich as he pleased. But the truth is, that it is a bubble and the attempt vanity. Nature has provided the proper materials for money, gold and silver, and any attempt of ours to rival her is ridiculous.

But to conclude. If the public will permit the opinion of a friend who is attached to no party, and under obligation to none, nor at variance with any, and who through a long habit of acquaintance with them has never deceived them, that opinion shall be freely given.

The bank is an institution capable of being made exceedingly beneficial to the State, not only as the means of extending and facilitating its

commerce, but as a means of increasing the quantity of hard money in the State. The Assembly's paper money serves directly to banish or crowd out the hard, because it is issued *as* money and put in the place of hard money. But bank notes are of a very different kind, and produce a contrary effect. They are promissory notes payable on demand, and may be taken to the bank and exchanged for gold or silver without the least ceremony or difficulty.

The bank, therefore, is obliged to keep a constant stock of hard money sufficient for this purpose; which is what the Assembly neither does, nor can do by their paper; because the quantity of hard money collected by taxes into the treasury is trifling compared with the quantity that circulates in trade and through the bank.

The method, therefore, to increase the quantity of hard money would be to combine the security of the government and the bank into one. And instead of issuing paper money that serves to banish the specie, to borrow the sum wanted of the bank in bank notes, on the condition of the bank exchanging those notes at stated periods and quantities, with hard money.

Paper issued in this manner, and directed to this end, would, instead of banishing, work itself

into gold and silver; because it will then be both the advantage and duty of the bank and of all the mercantile interests connected with it, to procure and import gold and silver from any part of the world, to give in exchange for the notes. The English Bank is restricted to the dealing in no other articles of importation than gold and silver, and we may make the same use of our bank if we proceed properly with it.

Those notes will then have a double security, that of the government and that of the bank: and they will not be issued *as* money, but as hostages to be exchanged for hard money, and will, therefore, work the contrary way to what the paper of the assembly, uncombined with the security of the bank, produces: and the interest allowed the bank will be saved to the government, by a saving of the expenses and charges attending paper emissions.

It is, as I have already observed in the course of this work, the harmony of all the parts of a republic, that constitutes their several and mutual good. A government that is constructed only to govern, is not a republican government. It is combining authority with usefulness, that in a great measure distinguishes the republican system from others.

Paper money appears, at first sight, to be a great saving, or rather that it costs nothing; but it is the dearest money there is. The ease with which it is emitted by an assembly at first, serves as a trap to catch people in at last. It operates as an anticipation of the next year's taxes. If the money depreciates, after it is out, it then, as I have already remarked, has the effect of fluctuating stock, and the people become stock-jobbers to throw the loss on each other.

If it does not depreciate, it is then to be sunk by taxes at the price of *hard money;* because the same quantity of produce, or goods, that would procure a paper dollar to pay taxes with, would procure a silver one for the same purpose. Therefore, in any case of paper money, it is dearer to the country than hard money, by all the expense which the paper, printing, signing, and other attendant charges come to, and at last goes into the fire.

Suppose one hundred thousand dollars in paper money to be emitted every year by the assembly, and the same sum to be sunk every year by taxes, there will then be no more than one hundred thousand dollars out at any one time. If the expense of paper and printing, and of persons to attend the press while the sheets are strik-

ing off, signers, etc., be five per cent it is evident that in the course of twenty years' emissions, the one hundred thousand dollars will cost the country two hundred thousand dollars. Because the papermaker's and printer's bills, and the expense of supervisors and signers, and other attendant charges, will in that time amount to as much as the money amounts to; for the successive emissions are but a re-coinage of the same sum.

But gold and silver require to be coined but once, and will last an hundred years, better than paper will one year, and at the end of that time be still gold and silver. Therefore, the saving to government, in combining its aid and security with that of the bank in procuring hard money, will be an advantage to both, and to the whole community.

The case to be provided against, after this, will be, that the Government do not borrow too much of the bank, nor the bank lend more notes than it can redeem; and, therefore, should anything of this kind be undertaken, the best way will be to begin with a moderate sum, and observe the effect of it. The interest given the bank operates as a bounty on the importation of hard money, and which may not be more than the money expended in making paper emissions.

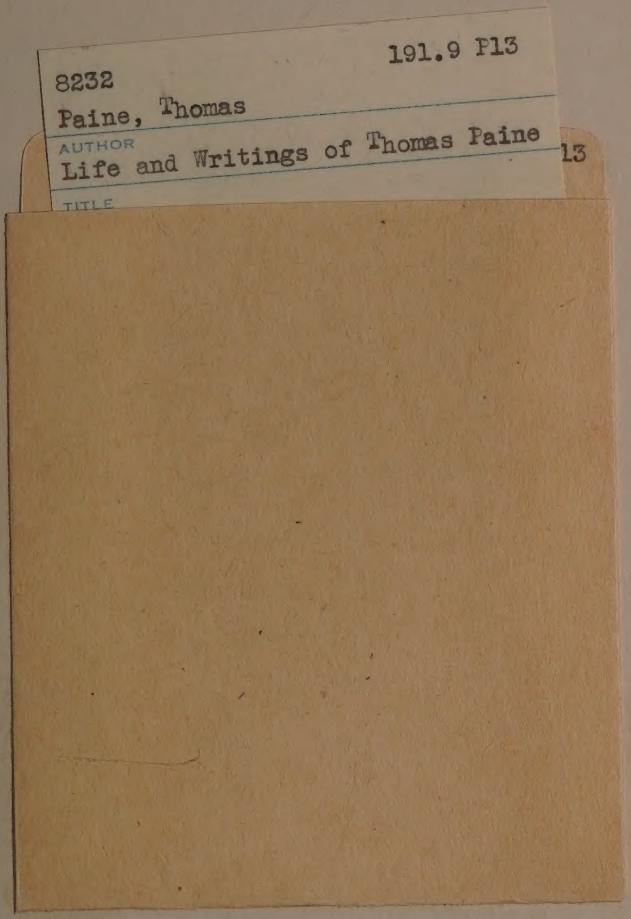
But nothing of this kind, nor any other public undertaking, that requires security and duration beyond the year, can be gone upon under the present mode of conducting government. The late Assembly, by assuming a sovereign power over every act and matter done by the State in former assemblies, and thereby setting up a precedent of overhauling, and overturning, as the accident of elections shall happen or party prevail, have rendered government incompetent to all the great objects of the state. They have eventually reduced the public to an annual body like themselves; whereas the public are a standing, permanent body, holding annual elections.

There are several great improvements and undertakings, such as inland navigation, building bridges, opening roads of communication through the state, and other matters of a public benefit, that might be gone upon, but which now cannot, until this governmental error or defect is remedied. The faith of government, under the present mode of conducting it, cannot be relied on. Individuals will not venture their money in undertakings of this kind, on an act that may be made by one assembly and broken by another.

When a man can say that he cannot trust the government, the importance and dignity of the

public is diminished, sapped and undermined; and, therefore, it becomes the public to restore their own honor by setting these matters to rights.

Perhaps this cannot be effectually done until the time of the next convention, when the principles, on which they are to be regulated and fixed, may be made a part of the constitution.

In the meantime the public may keep their affairs in sufficient good order, by substituting prudence in the place of authority, and electing men into the government, who will at once throw aside the narrow prejudices of party, and make the good of the whole the ruling object of their conduct. And with this hope, and a sincere wish for their prosperity, I close my book.

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